



***ROANOKE CITY COUNCIL  
REGULAR SESSION***

***MARCH 15, 2004  
2:00 P.M.***

***CITY COUNCIL CHAMBER***

***AGENDA***

**1. Call to Order--Roll Call.**

The Invocation will be delivered by Bishop M. Louis Hardy, Pastor, Prayer Temple Church of Our Lord Jesus Christ.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

**NOTICE:**

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, March 18, 2004, at 7:00 p.m., and Saturday, March 20, 2004, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

## **ANNOUNCEMENTS:**

**THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.**

**THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.**

**ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.**

**ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, TO OBTAIN AN APPLICATION.**

## **2. PRESENTATIONS AND ACKNOWLEDGMENTS:**

**Presentation of the Governor's Award for Excellence in Virginia Fire Service Management.**

3.

**CONSENT AGENDA**

**ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.**

- C-1 Minutes of the regular meetings of Council held on Tuesday, January 2, 2001, and recessed until Tuesday, January 8, 2001; Tuesday, January 16, 2001, and recessed until Monday, January 29, 2001; and Tuesday, February 17, 2004.

P 10;  
P 30;  
P 66

RECOMMENDED ACTION: Dispense with the reading of the minutes and approve as recorded.

- C-2 A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

P 95

RECOMMENDED ACTION: Concur in the request.

- C-3 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

P 96

RECOMMENDED ACTION: Concur in the request.

- C-4 A communication from the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel on a matter of probable litigation, pursuant to Section 2.2-3711 (A)(7), Code of Virginia (1950), as amended.

P 97

RECOMMENDED ACTION: Concur in the request.

- C-5            Qualification of Robert R. Young for a term ending June 30, 2005, and Walter T. Hinkley for a term ending June 30, 2006, as members of the Towing Advisory Board.

RECOMMENDED ACTION: Receive and file.

## **REGULAR AGENDA**

Review of the following applications for appointment to the Roanoke City School Board for terms commencing July 1, 2004, and ending June 30, 2007. (Two vacancies.)

Dennis M. Binns  
Chris H. Craft  
Robert R. Craig  
David M. Dabay  
Roddy L. Hiduskey  
Glenda D. Lee  
Alvin L. Nash  
Samuel Robinson  
Linda F. Wright  
Linda F. Wyatt

### **4. PUBLIC HEARINGS: NONE.**

### **5. PETITIONS AND COMMUNICATIONS:**

- a. Request of the Roanoke Valley Economic Development Partnership to present the 2003 Report of Economic Development Activity. Phillip F. Sparks, Executive Director, Spokesperson. (Sponsored by the City Manager.) P 98
- b. Request of Yellow Cab Services of Roanoke, Inc., to address Council with regard to an increase in taxicab rates currently charged in the City of Roanoke. W. E. Roberts, President, Spokesperson. (Sponsored by the City Manager.) P 100



## **6. REPORTS OF OFFICERS:**

### **a. CITY MANAGER:**

BRIEFINGS: NONE.

### ITEMS RECOMMENDED FOR ACTION:

1. Appropriation of \$78,287.00 in connection with Phase II of the Wireless E911 service expansion.
2. Amendment to the 1984 Lease Agreement and 2002 Air Rights Lease Agreement with *The Roanoke Times*, for issuance of either five-year bonds or five-year letters of credit.

P 108; B/O 110
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P 111; O 121
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## **7. REPORTS OF COMMITTEES:**

- a. Request of the Roanoke City School Board for appropriation of \$494,298.00 from the Capital Maintenance and Equipment Replacement Fund to replace and purchase various equipment items; and a recommendation of the Director of Finance that Council concur in the request. Richard L. Kelley, Assistant Superintendent for Operations, Spokesperson.

P 122; B/O 124
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## **8. UNFINISHED BUSINESS: NONE.**

## **9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.**

## **10. MOTIONS AND MISCELLANEOUS BUSINESS:**

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.
- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

**11. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.**

**12. CITY MANAGER COMMENTS:**

**THE COUNCIL MEETING WILL STAND IN RECESS UNTIL 7:00 P.M., IN THE CITY COUNCIL CHAMBER.**

**CERTIFICATION OF CLOSED SESSION.**



***ROANOKE CITY COUNCIL  
REGULAR SESSION***

***MARCH 15, 2004  
7:00 P.M.***

***CITY COUNCIL CHAMBER***

***AGENDA***

**Call to Order -- Roll Call.**

The Invocation will be delivered by Council Member William D. Bestpitch.

The Pledge of Allegiance to the Flag of the United States of America will be led by Members of the Roanoke Express Hockey Team.

Welcome. Mayor Ralph K. Smith.

**NOTICE:**

The Council meeting will be televised live by RVTv Channel 3 to be replayed on Thursday, March 18, 2004, at 7:00 p.m., and Saturday, March 20, 2004, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

## **PRESENTATIONS AND ACKNOWLEDGEMENTS: NONE.**

### **A. PUBLIC HEARINGS:**

- 1.(a) Proposed adoption of a resolution authorizing the City to contract a debt and to issue general obligation public improvements bonds of the City, in the amount of \$5,500,000.00, for the purpose of assisting the Roanoke Redevelopment and Housing Authority in paying a portion of the costs of the South Jefferson Redevelopment Project. Darlene L. Burcham, City Manager; and Jesse A. Hall, Director of Finance. 

P 125; R 127
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- (b) Amendment to the South Jefferson Cooperation Agreement 2 and project budget with the Roanoke Redevelopment and Housing Authority to provide for a five-year extension, acquisition of property in Area 3, and an amended budget. 

P 140; B/O 141; O 142
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2. Proposed encroachment of an overhead sign into the right-of-way of the sidewalk, and extension of an overhead awning into the public right-of-way at 22 Campbell Avenue, S. E. Darlene L. Burcham, City Manager. 

P 144; O 149
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3. Proposed encroachment of an overhead sign into the public right-of-way at 22 Church Avenue, S. W. Darlene L. Burcham, City Manager. 

P 152; O 158
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### **B. OTHER BUSINESS: NONE.**

### **C. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

1. Request to address Council with regard to the Roanoke Express Hockey Team. Cristy M. Lovelace, Spokesperson. (Sponsored by Vice-Mayor C. Nelson Harris and Council Member Linda F. Wyatt) 

P 161
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**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.**

**MOTION AND CERTIFICATION  
WITH RESPECT TO  
CLOSED MEETING**

**FORM OF MOTION:**

I move, with respect to any Closed Meeting just concluded, that each member of City Council in attendance certify to the best of his or her knowledge that (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by the members of Council in attendance.

**PLEASE NOTE:**

1. The forgoing motion shall be made in open session at the conclusion of each Closed Meeting.
2. Roll call vote included in Council's minutes is required.
3. Any member who believes there was a departure from the requirements of subdivisions (1) and (2) of the motion shall state prior to the vote the substance of the departure that, in his or her judgement, has taken place. The statement shall be recorded in the minutes of City Council.

**REGULAR WEEKLY SESSION-----RONAOKE CITY COUNCIL**

**January 2, 2001**

**12:15 p.m.**

The Council of the City of Roanoke met in regular session on Tuesday, January 2, 2001, at 12:15 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

**PRESENT: Council Members Linda F. Wyatt, William D. Bestpitch, William H. Carder, C. Nelson Harris, W. Alvin Hudson, Jr., William White, Sr., and Mayor Ralph K. Smith-----7.**

**ABSENT: None-----0.**

**OFFICERS PRESENT: Darlene L. Burcham, City Manager; James D. Ritchie, Sr., Deputy City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.**

**CITY ATTORNEY-COUNCIL: A communication from the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel on a matter of actual litigation, pursuant to Section 2.1-344(A)(7), Code of Virginia (1950), as amended, was before the body.**

**Mr. Carder moved that Council concur in the request of the City Attorney to convene in a Closed Meeting to consult with legal counsel on a matter of actual litigation, pursuant to Section 2.1-344(A)(7), Code of Virginia (1950), as amended. The motion was seconded by Mr. Hudson and adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and Mayor Smith-----7.**

**NAYS: None-----0.**

**COMMITTEES-COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.1-344(A)(1), Code of Virginia (1950), as amended, was before the body.**

Mr. White moved that Council concur in the request of the Mayor to convene in a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.1-344(A)(7), Code of Virginia (1950), as amended. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and Mayor Smith-----7.

NAYS: None-----0.

CITY ATTORNEY-CITY CLERK-DIRECTOR OF FINANCE: A communication from the Honorable C. Nelson Harris, Chair, City Council Personnel Committee, requesting that Council convene in a Closed Meeting to discuss the performance of three Council-Appointed Officers, pursuant to Section 2.1-344(A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Carder moved that Council concur in the request of Council Member Harris as above described. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and Mayor Smith-----7.

NAYS: None-----0.

At 12:20 p.m., the Mayor declared the meeting in recess.

At 2:00 p.m., on Tuesday, January 2, 2001, the regular meeting of Roanoke City Council reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members Linda F. Wyatt, William D. Bestpitch, William H. Carder, C. Nelson Harris, W. Alvin Hudson, Jr., William White, Sr., and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; James D. Ritchie, Sr., Deputy City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by Council Member C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

### CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, the item would be removed from the Consent Agenda and considered separately.

**MINUTES:** Minutes of the regular meetings of Council held on Monday, July 3, 2000, Monday, July 17, 2000; and the Council's Planning Retreat held on July 20-21, 2000, were before the body.

(For full text, see Minutes on file in the City Clerk's Office.)

Mr. Harris moved that the reading of the Minutes be dispensed with and that the Minutes be approved as recorded. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

**AYES:** Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and Mayor Smith-----7.

**NAYS:** None-----0.

**ARMORY/STADIUM:** A communication from the City Manager requesting that the City Clerk be authorized to advertise a public hearing with regard to Victory Stadium for Monday, January 29, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, in the City Council Chamber, was before the body.

Mr. Harris moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

**AYES:** Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and Mayor Smith-----7.

**NAYS:** None-----0.



**TRAFFIC:** A communication from the City Manager requesting that the City Clerk be authorized to advertise a public hearing with regard to I-73 for Tuesday, January 16, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, in the City Council Chamber, was before the body.

Mr. Harris moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

**AYES:** Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and Mayor Smith-----7.

**NAYS:** None-----0.

**AUDIT-MUNICIPAL AUDITOR-COMMITTEES:** Minutes of the Audit Committee meeting which was held on Monday, December 4, 2000, were before Council.

Mr. Harris moved that the Minutes of the Audit Committee be received and filed. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

**AYES:** Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and Mayor Smith-----7.

**NAYS:** None-----0.

**AUDITS-BUSES-COMMITTEES:** Minutes of the Greater Roanoke Transit Company Audit Committee meeting which was held on Monday, December 4, 2000, were before Council.

Mr. Harris moved that the Minutes of the Greater Roanoke Transit Company Audit Committee be received and filed. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

**AYES:** Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and Mayor Smith-----7.

**NAYS:** None-----0.

**INDUSTRIES-VIRGINIA'S FIRST REGIONAL INDUSTRIAL FACILITY AUTHORITY-OATHS OF OFFICE-COMMITTEES:** The following reports of qualification were before Council:

Elizabeth Neu as a City representative to fill the unexpired term of Phillip F. Sparks, resigned; and William D. Bestpitch as a City representative to fill the unexpired term of James O. Trout, deceased, as members of Virginia's First Regional Industrial Facility Authority, ending September 24, 2002; and

Elizabeth Neu as a member of the Economic Development Commission, to fill the unexpired term of Phillip F. Sparks, resigned, ending June 30, 2001.

Mr. Harris moved that the reports of qualification be received and filed. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and Mayor Smith-----7.

NAYS: None-----0.

#### REGULAR AGENDA

HEARING OF CITIZENS UPON PUBLIC MATTERS: NONE.

PETITIONS AND COMMUNICATION: NONE.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS:

AIR POLLUTION CONTROL-ENVIRONMENTAL POLICY-LEGISLATION-WATER RESOURCES-SEWERS AND STORM DRAINS: The City Manager called upon John G. Reed, Civil Engineer, II, a briefing on the National Pollution Discharge Elimination System, Phase II (NPDES), Project.

Mr. Reed advised that a new law under the Environmental Protection Agency's Clean Water Act will have a significant impact with regard to the handling of storm water in the Roanoke Valley; municipalities will be responsible for their storm water system, as well as the quality of water that is discharged from the system; and the goal of the new law is to support cleaner water for creeks and rivers in the Roanoke Valley that extend beyond jurisdictional boundaries into the Counties of Montgomery, Roanoke and Botetourt; and the City has been working in conjunction with the City of Salem, Roanoke County and the Town of Vinton with regard to preliminary issues of compliance.

**Mr. Reed introduced Elizabeth Treadway, senior consultant, Emek, Birth and Environmental Consultants, to provide specific information pertaining to the new requirement.**

**Ms. Treadway advised that the National Pollution Discharge Elimination System (NPDES) is a series of complex regulations dealing with specific points of discharge into receiving streams of industrial and municipal wastewater; and the intent of the Clean Water Act was to address, comprehensively, all points of discharge, including surface water run off from farms and urban environments which contributed to the degradation of creeks, streams and rivers; and the NPDES storm water focuses on two primary pollutants: exposure rain water and non-storm water related items.**

**She further advised that the pollution which is now being carried within the drainage system is probably the last largest single contributor to water quality degradation, and this is where localities have to change the overall health and condition of receiving streams, lakes, ponds, or any body of water that is deemed by the EPA as a body of water to be protected; the EPA and the Virginia Department of Environmental Quality are now regulating stormwater quality for localities with populations of less than 100,000; and in December 1999, the City was given approximately three years to establish a program, under a permit to be issued by the Department of Environmental Quality, to implement programmatic strategies to address the following:**

- Public education**
- Public participation and involvement**
- Illicit discharge detection and elimination**
- Construction site management**
- Post construction controls**
- Pollution prevention/good housekeeping practices for City operations**

**Ms. Treadway added that effective March 10, 2003, localities in the Roanoke Valley, which include the Cities of Roanoke and Salem, the Counties of Roanoke and Botetourt, and the Town of Vinton will be required to comply with Phase II provisions of the Clean Water Act and to obtain a NPDES permit for stormwater quality and initiate compliance; the cost for water quality has been estimated from \$1.70 to \$7.60 per capita, and stormwater quantity and quality programs have been estimated at \$60.00 to \$100.00 per acre for a comprehensive approach to manage stormwater.**

**In closing, she pointed out that once the permit application has been filed, localities will have approximately five years to ensure that the six program elements mentioned above are implemented.**

Mr. White called attention to an article in the Council's Update advising of a survey with regard to storm drainage issues in the Forest Park neighborhood, and inquired as to whether the residents have been contacted concerning the inspection; whereupon, Mr. Reed responded that notification letters will be sent to each property owner and a neighborhood forum is scheduled to address questions and/or concerns.

Mr. Bestpitch referred to a news report with regard to a number of localities that have encountered high levels of ecoli and other forms of bacteria, which were traced back to animal waste, and inquired if the City needs to educate its citizens about the impact of pet waste washing into the drainage system; whereupon, Ms. Treadway responded in the affirmative and encouraged the promotion of public education, especially for youth.

There being no further discussion, the Mayor advised that without objection by Council, the remarks would be received and filed.

#### **ITEMS RECOMMENDED FOR ACTION:**

**EMERGENCY SERVICES:** The City Manager submitted a communication advising that during times of disaster, localities throughout the Commonwealth of Virginia have relied upon assistance from other jurisdictions in responding to emergency situations; localities have loaned both equipment and personnel to deal with forest fires, chemical spills, flooding and weather-related disasters, etc., but financial cost and liability issues have often delayed or even prevented the sharing of resources; and existing formal mutual aid agreements, generally pertain to public safety issues, even though most major disasters require a wide range of responses, such as solid waste vehicles, real estate assessors, engineers, building officials and utility crews.

It was further advised that the Virginia Department of Emergency Management has developed a Statewide Mutual Aid Program which was approved at the year 2000 Virginia General Assembly Session to resolve liability and reimbursement issues before a disaster, and to quickly allow two or more localities to enter into a mutual aid agreement or contract; and governing bodies may enter into an authorizing resolution, effective for one year, automatically renewable for successive one year terms.

It was stated that the resolution addresses liability issues and establishes simple procedures to ensure proper reimbursement and auditing; to be eligible for assistance under the Program, a locality must have adopted an authorizing resolution before an emergency situation occurs; representatives from the four Roanoke Valley governments, public safety and public works agencies, have met to review the plan and recommend participation in the program; and staff

recommended that if one of the four governments receives a request under the Program, it should be referred to the other three governments to ensure that resources are not depleted in any one of the four localities.

It was explained that upon deployment, guidance and assistance with implementation and reimbursement is available through the Department of Emergency Management; there is no fiscal impact to approving the authorizing resolution, and the program is entirely voluntary; and in most cases, any government providing assistance during a declared disaster will be reimbursed for expenses incurred in helping other jurisdictions, either by that jurisdiction, or by the State or Federal government.

The City Manager recommended that Council agree to participate in the Statewide Mutual Aid Agreement and that the City Manager be authorized to execute any required documents.

Mr. Harris offered the following resolution:

(#35181-010201) WHEREAS, the Commonwealth of Virginia Emergency Services and Disaster Law of 2000, as amended, (Title 44, Chapter 3.2, of the Virginia Code) authorizes the Commonwealth and its political subdivisions to provide emergency aid and assistance in the event of a major disaster.

(For full text of Resolution, see Resolution Book No. 64, Page 75.)

Mr. Harris moved the adoption of Resolution No. 35181-010201. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Hudson, Harris, White and Mayor Smith-----7.

NAYS: None-----0.

**NEIGHBORHOOD ORGANIZATIONS:** The City Manager submitted a communication advising that in December 1999, the City of Roanoke entered into an agreement with the Roanoke Neighborhood Development Corporation (RNDC) and the Roanoke Redevelopment and Housing Authority (RRHA); the RNDC was created to improve, develop and redevelop certain blighted and unsightly lots in the Henry Street areas, commonly referred to as the Gainsboro Redevelopment Area; and the agreement obligated the City to provide \$375,000.00 in General Funds as a capital contribution to be matched by RNDC.

It was further advised that RNDC was given until December 31, 2000, to raise the \$75,000.00 needed to match the initial grant amount of \$75,000.00, however, the agreement also set forth a provision that the City, at RNDC's

request, may grant a six-month extension; and a communication from RNDC provides an update on the group's progress and requests an extension to move the date of performance to June 30, 2001.

The City Manager recommended that she be authorized to extend the RNDC contract for six months as provided in the original contract.

Mr. White offered the following resolution:

**(#35182-010201) A RESOLUTION approving the extension of the deadline of the three-party agreement by and among the City of Roanoke, the Roanoke Neighborhood Development Corporation (RNDC) and the City of Roanoke Redevelopment Housing Authority (RRHA) by six months regarding the completion of the development and redevelopment of certain blighted and unsightly areas in the City, and authorizing the City Manager to execute the requisite extension agreement.**

(For full text of Resolution, see Resolution Book No. 64, Page 83.)

Mr. White moved the adoption of Resolution No. 35182-010201. The motion was seconded by Mr. Carder.

Mr. Hudson expressed concern with regard to the City having spent in excess of \$400,000.00 on the RNDC project with taxpayers' money, and inquired as to any requirements for a match to the recent request by RNDC for an additional \$75,000.00.

The City Manager responded that Council was provided with a status report from Stan Hale, Project Manager, outlining a timeline for the project; a significant amount of investment in the RNDC project has been Community Development Block Grant (CDBG) funds, not City funds; and a large portion of funds was spent working with community groups to manage and to develop the first phase of the Crew Suites Building, an office building which is intended to have approximately 45,000 square feet, with the City committed to leasing 15,000 square feet of the facility.

The City Manager advised that the amendment currently before the Council is a six month extension for the Roanoke Neighborhood Development Corporation to provide evidence that it has met the cash match of \$75,000.00 that was the City, advanced by and the \$300,000.00 escrow funds referenced in the document will be forwarded to RNDC upon commencement of construction of the facility; and the \$75,000.00 advancement was used toward development of the project, architectural and engineering drawings, leases, etc. She further advised that the \$25,000.00 from the General Fund was appropriated when the City was

notified that CDBG funds could no longer be used in connection with the project, and therefore, it was recommended that the remaining \$55,000.00 in CDGB funds be substituted with General Fund monies, and, in turn, reallocate the CDBG funds to the Kuumba Community Health and Wellness Center.

Ms. Wyatt pointed out that the people involved in the project have worked diligently, and part of the handicap is that the project has gone through three City Managers, along with several other changes, and the project has been held to a level of accountability that has not been placed on other projects.

Mr. White stated that the matter should be addressed by the entire Council and suggested that the City Manager schedule a work session to resolve various issues.

Following discussion, it was the consensus of the Council that a briefing will be scheduled at a future 2:00 p.m. Council meeting with regard to the Roanoke Neighborhood Development Corporation Project, including financial information on the amount of funds appropriated by the City to the project since inception and its accomplishments to date.

There being no further discussion and/or comments by the Members of Council, Resolution No. 35182-010201 was adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and Mayor Smith-----7.

NAYS: None-----0.

DIRECTOR OF FINANCE:

DIRECTOR OF FINANCE-AUDITS/FINANCIAL REPORTS: The Director of Finance submitted the Financial Report for the City of Roanoke for the month of November, 2000.

Council Member White questioned the Civic Center fund budget, which reflects an operating loss of approximately \$736,522.00 in fiscal year 2001, compared to \$640,744.00 in fiscal year 2000, and requested an explanation regarding the increased deficit. The Director of Finance advised that he would provide Council with additional information.

Also pertaining to the Civic Center, Council engaged in a discussion regarding a new policy in connection with the addition of \$1.00 per ticket in lieu of a parking fee, the new policy regarding sale of alcohol, and the Civic Center rental fee policy; whereupon, Council Member Wyatt requested that the Roanoke Civic Center Commission review the policy of imposing \$1.00 per ticket on each ticketed event, in lieu of a parking fee.

The City Manager suggested that Council meet with the Roanoke Civic Center Commission to discuss the above-referenced topics, as well as pending future needs relative to expansion and parking at the Civic Center.

There being no further discussion and/or comments by the Members of Council, the Mayor advised that the Financial Report for the month of November would be received and filed.

REPORTS OF COMMITTEES: NONE.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

**STREETS AND ALLEYS:** Ordinance No. 35176 permanently vacating, discontinuing and closing a certain section of Edge Hill Avenue, S. E., extending in a westerly direction from 19<sup>th</sup> Street, for an approximate distance of 210 feet to the intersection with 18<sup>th</sup> Street, having previously been before the Council for its first reading on Monday, December 18, 2000, read and adopted on its first reading and laid over, was again before the body, Mr. Bestpitch offering the following for its second reading and final adoption:

(#35176-010201) AN ORDINANCE permanently vacating, discontinuing and closing certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter.

(For full text of Ordinance, see Ordinance Book No. 64, page 68.)

Mr. Bestpitch moved the adoption of Ordinance No. 35176-010201. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and Mayor Smith-----7.

NAYS: None-----0.

**EASEMENTS-STREETS AND ALLEYS-CABLE TELEVISION-WATER RESOURCES:** Ordinance No. 35177 authorizing the granting of an easement across City-owned property located at 5<sup>th</sup> Street and Luck Avenue, S. W., to Cox Communications, Inc., for installation of a concrete pad and electrical equipment cabinet to provide telecom circuit protection, upon certain terms and conditions, having previously been before the Council for its first reading on Monday, December 18, 2000, read and adopted on its first reading and laid over, was again before the body, Mr. Harris offering the following for its second reading and final adoption:



(#35177-010201) AN ORDINANCE authorizing the granting of an easement across City-owned property located at 5<sup>th</sup> Street and Luck Avenue, S. W., to Cox Communications, Inc., for installation of a concrete pad and electrical equipment cabinet to provide telecom circuit protection, upon certain terms and conditions.

(For full text of Ordinance, see Ordinance Book No. 64, page 70.)

Mr. Harris moved the adoption of Ordinance No. 35177-010201. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and Mayor Smith-----7.

NAYS: None-----0.

EASEMENTS-CITY PROPERTY-TELEPHONE COMPANIES-SCHOOLS: Ordinance No. 35178 authorizing the donation and conveyance of a 15-foot easement across City-owned property known as the Lincoln Terrace Elementary School Site to Verizon, for installation of underground facilities, upon certain terms and conditions, having previously been before the Council for its first reading on Monday, December 18, 2000, read and adopted on its first reading and laid over, was again before the body, Mr. Hudson offering the following for its second reading and final adoption:

(#35178-010201) AN ORDINANCE authorizing the donation and conveyance of a 15-foot easement across City-owned property known as the Lincoln Terrace Elementary School site to Verizon, for installation of underground facilities, upon certain terms and conditions.

(For full text of Ordinance, see Ordinance Book No. 64, page 71.)

Mr. Hudson moved the adoption of Ordinance No. 35178-01021. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and Mayor Smith-----7.

NAYS: None-----0.

LICENSES-WATER RESOURCES- STREETS AND ALLEYS: Ordinance No. 35179 granting a revocable license to permit the construction and encroachment of a paved parking area 25-feet into the public right-of-way in front of property located at 1313 Peters Creek Road, N. W., identified as Official Tax No. 2770604, upon certain terms and conditions, having previously been before the Council

for its first reading on Monday, December 18, 2000, read and adopted on its first reading and laid over, was again before the body, Mr. Bestpitch offering the following for its second reading and final adoption:

(#35179-010201) AN ORDINANCE granting a revocable license to permit the construction and encroachment of a paved parking area 25-feet into the public right-of-way in front of the property located at 1313 Peters Creek Road, N. W., identified as Official Tax No. 2770604, upon certain terms and conditions.

(For full text of Ordinance, see Ordinance Book No. 64, page 72.)

Mr. Bestpitch moved the adoption of Ordinance No. 35179-010201. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and Mayor Smith-----7.

NAYS: None-----0.

LEASES-WATER RESOURCES: Ordinance No. 35180 authorizing the proper City officials to enter into a lease agreement between the City and Sandra Rouse for use of a 12.17-acre tract of land located along Back Creek, for agricultural purposes, for a five year period, effective January 15, 2001, at an annual rental of \$10.00 per acre, upon certain terms and conditions, having previously been before the Council for its first reading on Monday, December 18, 2000, read and adopted on its first reading and laid over, was again before the body, Mr. White offering the following for its second reading and final adoption:

(#35180-010201) AN ORDINANCE authorizing the proper City officials to enter into a lease agreement between the City and Sandra Rouse, for use of a 12.17-acre tract of land located along Back Creek, for a five year period, effective January 15, 2001, at an annual rental of \$10.00 per acre, upon certain terms and conditions for agricultural purposes.

(For full text of Ordinance, see Ordinance Book No. 64, page 74.)

Mr. White moved the adoption of Ordinance No. 35180-010201. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and Mayor Smith-----7.

NAYS: None-----0.

MOTIONS AND MISCELLANEOUS BUSINESS:

**INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:**

**COMMITTEES:** The Mayor presented a proposal with regard to composition of a Blue Ribbon Committee to review the overall structure and process of appointments to Council-appointed authorities, boards, commissions and committees.

Mr. White advised that the Members of Council need time to review and consider the Mayor's proposal; whereupon, he suggested that the proposal be received and taken under advisement.

Ms. Wyatt agreed that Council should review the qualifications of individuals seeking appointment to various City committees, a formal process for appointment should be established.

Mr. Harris advised that discussion with regard to a citizens committee was appropriate for discussion in open session, but discussion of specific individuals to serve on the various committees should take place in a closed session. He further advised that there should be a competitive application process, i.e., a public hearing, an interview process, or combination thereof.

Mr. Harris moved that Council table the proposal of the Mayor until the next Council meeting, with the understanding that Council will ultimately vote on the creation of a committee, and appointments to the Blue Ribbon Committee will be discussed in closed session. The motion was seconded by Mr. Hudson.

Following further discussion of the matter, it was the consensus of Council to engage in a work session immediately following the Greater Roanoke Valley Leaders Summit on Monday, January 8, at 12:00 noon at the Jefferson Center, Fitzpatrick Hall, to discuss the process of appointments by Council to City of Roanoke boards, commissions and committees.

**HEARING OF CITIZENS UPON PUBLIC MATTERS: NONE.**

At 4:55 p.m., the Mayor declared the meeting in recess for continuation of the previously approved Closed Session.

At 6:30 p.m., the meeting reconvened in the Council Chamber, with Mayor Smith presiding, and all Members of the Council in attendance, with the exception of Vice-Mayor Carder, who left the meeting during the Closed Session.

**COUNCIL:** With respect to the Closed Meeting just concluded, Mr. Bestpitch moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any Closed Meeting were heard, discussed or considered by City Council. The motion was seconded by Mr. Harris and adopted by the following vote:

**AYES:** Council Members Wyatt, Bestpitch, Harris, Hudson, White and Mayor Smith-----6.

**NAYS:** None-----0.

(Vice-Mayor Carder left the meeting during the Closed Session.)

**OATHS OF OFFICE-COMMITTEES-HUMAN DEVELOPMENT:** The Mayor advised that the term of office of Michael W. Ridenhour as a member of the Advisory Board of Human Development expired on November 30, 2000; and called attention to a vacancy on the Advisory Board of Human Development created by the resignation of Malcolm L. Taylor, for a term ending November 30, 2003; whereupon he opened the floor for nominations to fill the vacancies.

Ms. Wyatt placed in nomination the name of Louise H. Patterson.

Mr. Bestpitch placed in nomination the name of Clarence W. Hall.

There being no further nominations, Ms. Patterson was appointed to fill the unexpired term of Malcolm L. Taylor, resigned, ending November 30, 2003; and Mr. Hall was appointed for a term ending November 20, 2004, as members of the Advisory Board of Human Development, by the following vote:

**FOR MS. PATTERSON AND MR. HALL:** Council Members Wyatt, Bestpitch, Harris, Hudson, White and Mayor Smith-----6.

(Vice-Mayor Carder left the meeting during the Closed Session.)

There being no further business, the Mayor declared the meeting in recess at 6:30 p.m., to be reconvened on Tuesday, January 8, 2001, at 12:00 noon at which time Roanoke City Council will host a Work Session with elected-officials from surrounding localities and to engage in further dialogue with regard to the process for appointments to Council-Appointed authorities, boards, commissions and committees Hall at The Jefferson Center, Fitzpatrick Hall, 541 Luck Avenue, S. W., City of Roanoke, Virginia.

The regular meeting of Roanoke City Council which convened on Tuesday, January 2, 2001, and was declared in recess until Tuesday, January 8, 2001, was called to order on January 8 at 12:00 noon The Jefferson Center, Fitzpatrick Hall, 541 Luck Avenue, S. W., City of Roanoke, by Mayor Ralph K. Smith.

**PRESENT:** Council Members William D. Bestpitch, William H. Carder, C. Nelson Harris, W. Alvin Hudson, Jr., Linda F. Wyatt and Mayor Ralph K. Smith-----6.

**ABSENT:** Council Member William White, Sr.-----1.

**OFFICERS PRESENT:** Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

**OTHERS PRESENT:** Congressman Bob Goodlatte; Senator John S. Edwards; Delegate C. Richard Cranwell; Mayor Carl E. Tarpley, Jr., City of Salem; Alexander M. Brown, Member, Salem City Council; John Givens, Member, Salem City Council; Gerald M. Pace, Member, Salem City Council; Forest G. Jones, City Manager, City of Salem; James E. Taliaferro, II, Assistant City Manager/Clerk, City of Salem; W. Wayne Angell, Chairman, Franklin County Board of Supervisors; Charles Wagner, Member, Franklin County Board of Supervisors; Donald L. Riddle, Sr., Member, Franklin County Board of Supervisors; John W. Helms, Member, Franklin County Board of Supervisors; Joseph P. McNamara, Chair, Roanoke County Board of Supervisors; Joseph "Butch" Church, Member, Roanoke County Board of Supervisors; Bob L. Johnson, Member, Roanoke County Board of Supervisors; Harry C. Nickens, Member, Roanoke County Board of Supervisors; Elmer C. Hodge, Roanoke County Administrator; Mary Allen, Clerk, Roanoke County Board of Supervisors; Paul Mahoney, Roanoke County Attorney; William Loope, Vice-Chair, Botetourt County Board of Supervisors; Stephen P. Clinton, Member, Botetourt County Board of Supervisors; Gerald A. Burgess, Botetourt County Administrator; Donald L. Davis, Mayor, Town of Vinton; Robert R. Altice, Vice-Mayor, Town of Vinton; Bradley E. Grose, Member, Vinton Town Council; Thomas A. Rotenberry, Member, Vinton Town Council; B. Clayton Goodman, Vinton Town Manager; Kevin Boggess, Assistant Town Manager for the Town of Vinton; James D. Ritchie, Sr., Deputy City Manager, City of Roanoke; Chris Slone, Public Information Officer, City of Roanoke; Wayne G. Strickland, Executive Director, Roanoke Valley-Alleghany Regional Commission; Beth Doughty, President/CEO, Roanoke Regional Chamber of Commerce; and Pete Larkin, Legislative Aide to Congressman Goodlatte.

**Mayor Smith welcomed everyone to the first Greater Roanoke Valley Leaders Summit and advised that the purpose of the meeting is to hold cooperative work sessions, to establish a productive working relationship that will benefit and serve all citizens of the Greater Roanoke Valley; and today's meeting was called for the purpose of becoming better acquainted, and to begin ongoing dialogue with regard to topics of mutual interest and concern.**

**The invocation was delivered by Roanoke County Board of Supervisors Harry Nickens.**

**The meeting was declared in recess at 12:10 p.m., for lunch.**

**Following lunch, the business session reconvened at 1:00 p.m.**

**Mayor Smith recognized Congressman Bob Goodlatte for remarks.**

**Congressman Goodlatte commended attendees of the meeting for their willingness to work together. He added that elected officials at the State level are interested in meeting with representatives from the different localities to discuss issues that affect their localities, and his office stands ready to work with local officials on projects to be undertaken.**

**Mayor Smith recognized Senator John Edwards for remarks.**

**Senator Edwards offered his assistance to the localities represented at the meeting and advised that citizens of the Roanoke Valley increasingly reside in one jurisdiction and work in another, therefore, the jurisdictions need to continue to identify ways in where to work together to gain more power for the region.**

**Mayor Smith also recognized Delegate Richard Cranwell for remarks.**

**Delegate Cranwell expressed appreciation for being invited to attend the first Leadership Summit and offered his assistance to the localities represented at the meeting.**

**Mayor Smith expressed appreciation to Congressman Goodlatte, Senator Edwards and Delegate Cranwell for their participation in the meeting.**

**Mayor Smith advised that it would be productive to use the initial meeting as a time to establish direction for future meetings, inasmuch as there has been a sentiment in the community for increased regional cooperation; however, the question is "how".**

**Mayor Smith opened the floor for responses to the following question: What primary issue would those localities participating in the Leadership Summit like to address over the next five years?**

**The following suggestions were offered by officials in attendance:**

**improved air service,  
regional economic development authority,  
vocational education,  
promotion of tourism,  
resources to attract industry,  
trained labor force,  
additional regionalized parks and facilities,  
recreational programs,  
development of regional, non-competitive economic development,  
strategy targeted to one industry cluster,  
comprehensive rescue plan,  
regional water supply and regional sewage treatment and collection  
system,  
creation of a committee to keep the Roanoke River and Smith  
Mountain Lake clean,  
fire/ems,  
regional library system,  
track facility for high school track and field athletes,  
technology infrastructure for future industries,  
100 per cent funding for mandates,  
ensure that Virginia Tech is a suburb of our area,  
build the Bio-Medical Center,  
high speed Internet access,  
positive regional and local programs for youth both before and after  
school and on weekends,  
improvements to the I-81 north and south corridor,  
improvements of the transportation system, and  
establishment of passenger rail service throughout the Roanoke Valley.**

**Mayor Smith advised that the list of suggestions would be compiled and forwarded to each locality, with the request that each locality will rank its top three choices which will lead to a discussion at the next Leadership Summit.**

**Mayor Smith opened the floor for volunteers to host the next Leadership Summit; whereupon, Roanoke County extended an invitation to host the next meeting, and advised that the date and location will be forwarded at a later date.**

**It was the consensus of participants in the Leadership Summit to meet on a regular basis; whereupon, Vice-Chair Kirby Richardson, Bedford County Board of Supervisors, offered to host the third Greater Roanoke Valley Leadership Summit in July 2001, in Bedford, Virginia.**

**There being no further business, Mayor Smith declared the meeting of Roanoke City Council in recess at 1:45 p.m.**

At 1:50 p.m., the City Council meeting reconvened in Fitzpatrick Hall at the Jefferson Center, 541 Luck Avenue, S. W., City of Roanoke, with all Members of the Council in attendance, with the exception of Mayor Ralph K. Smith, Vice-Mayor William H. Carder presided over the meeting.

Vice-Mayor Carder advised that the purpose of the Work Session was to discuss the Mayor's proposal with regard to composition of a Blue Ribbon Committee to review the number, overall and process of appointment of persons to Council-Appointed authorities, boards, commissions and committees.

Mr. Harris suggested that two members of Council, two Council-appointed officers, the City Attorney, City Manager or City Clerk, or a combination thereof, be appointed to study the proposal and report back to the Council.

Ms. Wyatt suggested that the City Attorney and the City Clerk be appointed to review the Mayor's proposal for appointment of a Blue Ribbon Committee to study the overall process for appointments to City of Roanoke boards and commissions and she volunteered to serve as a Council representative to the committee. She advised that the selection process for persons to serve on the Roanoke Redevelopment and Housing Authority, Roanoke Civic Center Commission, City Planning Commission and Board of Zoning Appeals should be similar to the selection process for School Trustee, which includes a stipend.

At this point, Mayor Smith entered the meeting and Vice-Mayor Carder relinquished the Chair.

Mr. Harris offered the following suggestions for consideration by the Committee:

- The elimination of or consolidation of certain boards and commissions;
- Decreased membership on some committees;
- Council liaisons should be appointed to certain boards and commissions;
- Receive citizen comments with regard to persons serving on high profile boards, commissions and committees

He added that a stipend should be provided for those persons serving on certain boards, commissions and committees, such as the City Planning Commission.

Mr. Bestpitch suggested that the City Manager, or her designee, be appointed to the committee.

Mayor Smith requested that the City Clerk poll other Virginia municipalities with regard to which boards, commissions, and committees receive stipends from the locality.



Mr. Harris concurred in the Mayor's suggestion and advised that School Trustees currently receive a stipend of approximately \$300.00 - \$400.00 per month; however, those boards and commissions that are not required to meet with a great deal of frequency or address budgetary and/or personnel issues should not receive monthly stipends.

Mr. Harris moved that Council Member Wyatt, Vice-Mayor Carder, the City Manager, City Attorney and City Clerk be appointed to study and submit recommendations to Council regarding the restructuring of City authorities, boards, commissions and committees. The motion was seconded by Mr. Bestpitch and adopted.

There being no further business, the Mayor declared the meeting adjourned at 2:20 p.m.

APPROVED

ATTEST:

Mary F. Parker  
City Clerk

Ralph K. Smith  
Mayor

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**REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL**

**January 16, 2001**

**12:15 p.m.**

**The Council of the City of Roanoke met in regular session on Tuesday, January 16, 2001, at 12:15 p.m., in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.**

**PRESENT: Council Members William D. Bestpitch, William H. Carder, C. Nelson Harris, W. Alvin Hudson, Jr., William White, Sr., Linda F. Wyatt and Mayor Ralph K. Smith-----7.**

**ABSENT: None-----0.**

**OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.**

**CITY COUNCIL : A communication from the City Attorney requesting a Closed Meeting to consult with legal counsel on a matter of actual litigation, pursuant to Section 2.1-344 (A)(7), Code of Virginia (1950), as amended, was before the body.**

**Mr. Carder moved that Council concur in the request of the City Attorney to convene in a Closed Meeting to consult with legal counsel on a matter of actual litigation, pursuant to Section 2.1-344 (A)(7), Code of Virginia (1950), as amended. The motion was seconded by Mr. Harris and adopted by the following vote:**

**AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt and Mayor Smith-----7.**

**NAYS: None-----0.**

**CITY COUNCIL-INDUSTRIES: A communication from the City Manager requesting a Closed Meeting to discuss a prospective business, where no previous announcement of the interest of the business in locating its facilities in the City has been made, pursuant to Section 2.1-344 (A)(5), Code of Virginia (1950), as amended, was before the body.**

Mr. Carder moved that Council concur in the request of the City Manager to convene in a Closed Meeting to discuss a prospective business, where no previous announcement of the interest of the business in locating its facilities in the City has been made, pursuant to Section 2.1-344 (A)(5), Code of Virginia (1950), as amended. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

COMMITTEES-CITY COUNCIL: A communication from the Honorable Ralph K. Smith, Mayor, requesting a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Hudson moved that Council concur in the request of the Mayor to convene in a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

CITY COUNCIL-CITY EMPLOYEES: A communication from the Honorable C. Nelson Harris, Chair, City Council Personnel Committee, requesting a Closed Meeting to discuss the performance of three Council-Appointed Officers, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Carder moved that Council concur in the request of Council Member Harris to convene in a Closed Meeting to discuss the performance of three Council-Appointed Officers, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

At 12:20 p.m., Mayor Smith declared the meeting in recess and the Council reconvened in the Council's Conference Room for four Closed Sessions.

At 2:00 p.m., on Tuesday, January 16, 2001, the regular meeting of Council reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular meetings, Code of the City of Roanoke (1979), as amended.

**PRESENT:** Council Members William D. Bestpitch, William H. Carder, C. Nelson Harris, W. Alvin Hudson, Jr., William White, Sr., Linda F. Wyatt and Mayor Ralph K. Smith-----7.

**ABSENT:** None-----0.

**OFFICERS PRESENT:** Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by Council Member C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

### CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. The Mayor called attention to a request for a Closed Session to discuss a prospective business where no previous announcement of the interest of the business in locating its facilities in the City has been made.

**BUDGET:** A communication from the City Manager recommending that the following proposed budget schedule for fiscal year 2001-02 (Option 1) be adopted:

- April 16, 2001      Public presentation of Fiscal Year 2001-02  
2:00 p.m.      recommended budget to City Council by City  
Manager. (Regular meeting of City Council.)

- April 23, 2001 7:00 p.m. Public hearing on recommended budget. (Special meeting of City Council.)
- April 25 – 26, 2001 City Council budget work sessions. 8:00 a.m. – 5:00 p.m.
- May 7, 2001 2:00 p.m. City Council adopts General Fund, Proprietary Fund, and School Fund budgets, approves an annual appropriation ordinance, and adopts the Department of Housing and Urban Development (HUD) Consolidated Plan. (Regular meeting of City Council.)

Mr. Harris moved that Council concur in the recommendation of the City Manager. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt and Mayor Ralph K. Smith-----7.

NAYS: None-----0.

**ANNUAL REPORTS-REAL ESTATE VALUATION:** A communication from the Director of Real Estate Valuation advising that as prescribed by law, the Office of Real Estate Valuation has completed the Annual General Reassessment Program for fiscal year 2001-02; "Change of Assessment Notices" were mailed to property owners on January 19, 2001; and the real estate tax base increased approximately 3.5 per cent due to this year's annual reassessment, which figure is subject to appeals and excludes new construction, was before Council.

It was further advised that new construction will add another 1.9 per cent to the tax base, which represents \$30 million of residential and \$43 million of commercial construction; adjusted downward for the tax abatement on the Higher Education Center, this year's new construction activity is equivalent to that which occurred last year; and overall, the general reassessment program and new construction indicate growth of 5.4 per cent in the real estate tax base to July 1, 2001, which is up from last year's 4.5 per cent rate.

It was explained that unlike the financial markets, growth in real estate values has remained steady during this past year; values will be adjusted for tax freezes, tax abatements and other miscellaneous items to arrive at a revenue estimate for the next fiscal year; individual property assessments vary widely from the City-wide average of 3.5 per cent; most assessment changes will range from three per cent to

made to the property during the year that increased its value, the property owner may receive a higher increase; and assessment appeals will be conducted from January 19 through February 15, 2001.

Mr. Harris moved that the report be received and filed. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

**BLUE RIDGE COMMUNITY SERVICE:** A communication from Rodney P. Furr, Chair, Blue Ridge Community Services Board of Directors, requesting Council's concurrence in the reappointment of John M. Hudgins, for a term ending December 31, 2003, as an at-large member of the Blue Ridge Community Services Board of Directors, was before the body.

Mr. Harris moved that Council concur in the reappointment of John M. Hudgins as above described. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

**COMMITTEES-ROANOKE ARTS COMMISSION:** A communication from Rita D. Bishop tendering her resignation as a member of the Roanoke Arts Commission, effective immediately, was before Council.

Mr. Harris moved that Council accept the resignation and receive and file the communication. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

**COMMITTEES-ECONOMIC DEVELOPMENT:** The following reports of qualification were before Council:

Phillip F. Sparks as a member of the Economic Development Commission, for a term ending June 30, 2003; and

**Pam Kestner-Chappelear as a member of the Human Services Committee, for a term ending June 30, 2001.**

**Mr. Harris moved that the reports of qualification be received and filed. The motion was seconded by Mr. Hudson and adopted by the following vote:**

**AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt and Mayor Smith-----7.**

**NAYS: None-----0.**

**CITY COUNCIL-INDUSTRIES: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss a prospective business where no previous announcement of the interest of the business in locating its facilities in the City has been made, pursuant to Section 2.1-344(A)(5), Code of Virginia (1950), as amended, was before the body.**

**Mr. Harris moved that Council concur in the request of the City Manager to convene in a Closed Meeting to discuss a prospective business where no previous announcement of the interest of the business in locating its facilities in the City has been made, pursuant to Section 2.1-344(A)(5), Code of Virginia (1950), as amended. The motion was seconded by Mr. Hudson and adopted by the following vote:**

**AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt and Mayor Smith-----7.**

**NAYS: None-----0.**

### **REGULAR AGENDA**

**HEARING OF CITIZENS UPON PUBLIC MATTERS: NONE.**

**PETITIONS AND COMMUNICATIONS:**

**COMMITTEES-RAIL SERVICE: David A. Bowers, Chair, Passenger Rail Service Committee, advised that the Committee is dedicated to bringing passenger rail service back to the City of Roanoke; Roanokers want a convenient and cheaper alternative to their transportation; the City of Roanoke has a long history with the railroad dating back to the mid-1850's; and the Committee recommends the following: (1) designate the Norfolk and Western Passenger Station on Shenandoah Avenue, S. W., across from The Hotel Roanoke as the future site for the Passenger**

Rail Depot Terminal; (2) refer a request that \$1.25 million be committed, in addition to the \$250,000.00 already committed, for the purchase of the Norfolk and Western Passenger Station from Center In The Square, for a total of \$1.5 million, to 2002-03 budget study; and (3) commit funds for renovation of the Norfolk and Western Passenger Station, if designated as the depot site.

Mr. Bowers added that other issues are under consideration by the Committee, including the prospect of additional excursions to the Roanoke area,; and the Committee supports Congressmen Rick Boucher and Bob Goodlatte's request for a \$25 million funding of AMTRAK, the State service railroad, TransDominion Express, to Roanoke, as an option to subsidize such services. He stated that the Committee recommends that funds be allocated for development of the passenger rail depot.

James Sears, President, Center in the Square, spoke in support of renovation of the former historic Norfolk and Western Passenger Station, and advised that the passenger station could serve as the headquarters for the Roanoke Valley Convention and Visitors Bureau, as well as a gallery in recognition of the industrial architect and designer, Raymond Lowey. He further advised that the History Museum of Western Virginia and Center in the Square are negotiating with the O. Winston Link Foundation to house the black and white photography of O. Winston Link and many of his artifacts, which would be a major cultural draw and tourist attraction; and the 1218 steam engine will be donated to the City of Roanoke as a part of the Passenger Station exhibit, and ultimately will be relocated to the Virginia Museum of Transportation.

Bill Arnold, a member of the Roanoke Chapter of the National Railway Historical Society, advised that approximately 50,000 people rode the 611 steam engine excursions to and from Roanoke between 1982 and November 1994; a number of railway chapters enjoyed stopping in Roanoke as a turn around; and Abbott Tours has established an AMTRAK excursion via a bus to Washington, D.C., and returning by AMTRAK to Lynchburg, Virginia.

Mr. Arnold further advised that the Roanoke Chapter has submitted an application to AMTRAK for an excursion this year, but final approval must be granted by Norfolk Southern Corporation. He encouraged the Members of Council to support the excursion and to assist Downtown Roanoke, Inc., with marketing.

Mr. Harris moved that the recommendations of the Passenger Rail Service Committee be referred to the City Manager for report to Council. The motion was seconded by Mr. Hudson.

Mr. White suggested that funding items be referred to fiscal year 2002-03 budget study.



Mr. Harris amended the motion to provide that designation of the former Norfolk Southern Passenger Station on Shenandoah Avenue as the future site of a passenger rail depot and appropriation of funds for renovation of the passenger rail station be referred to fiscal year 2001-02 budget study. The amendment to the motion was seconded by Mr. Hudson and unanimously adopted.

The motion, as above amended, was unanimously adopted.

**INDUSTRIES-EQUIPMENT-D-DAY MEMORIAL:** A communication from Michael W. Graff, Jr., representing the Industrial Development Authority of the City of Harrisonburg, Virginia, requesting concurrence in a resolution adopted by the Authority, and approval of a loan for the benefit of the Virginia Public Broadcasting Board, to assist in financing the acquisition of certain equipment for conversion of Virginia's public television stations to the new digital standard of the Federal Communications Commission, was before Council.

It was stated that the IDA of Harrisonburg is assisting Virginia Public Television Stations with a financing for equipment required for the Federal Communications Commission's mandated conversion to a digital broadcast standard; under the IDA statute, the governing body of each locality in which the equipment will be located must concur in a inducement resolution for financing; and approximately \$1,500,000.00 worth of new equipment will be used by Blue Ridge Public Television at its McNeil Drive facility in the City of Roanoke.

Mr. White offered the following resolution:

(#35183-011601) A RESOLUTION concurring in the resolution adopted by the Industrial Development Authority of the City of Harrisonburg, Virginia (the "Harrisonburg Authority"), and approving the loan by the Harrisonburg Authority for the benefit of the Virginia Public Broadcasting Board (the "VPBB") to assist in financing the acquisition of certain equipment for the conversion of Virginia's public television stations to the Federal Communication Commission's new digital standard (the "Project").

(For full text of Resolution, see Resolution Book No. 64, page 84.)

Mr. White moved the adoption of Resolution No. 35183-011601. The motion was seconded by Mr. Hudson and adopted by the following vote:

**AYES:** Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt and Mayor Smith-----7.

**NAYS:** None-----0.

**BUDGET-SCHOOLS: A communication from the Roanoke City School Board requesting that Council approve the following appropriations, was before the body.**

**\$43,219.00 from the 2000-01 Capital Maintenance and Equipment Replacement Funds for division-wide instructional technology, for facility maintenance needs, for soil testing for modular classroom placements, for handicap restroom modifications at Ruffner Middle School, and for magnet furniture at Westside Elementary School.**

**\$15,358.00 to provide Quality Zone Academy Bond (QZAB) funding for legal services for the issuance of bonds for the Roanoke Academy for Mathematics and Science facility.**

**\$1,500.00 for the Special Education Assistive Technology program to provide funds for the purchase of equipment and software to assist students with disabilities, to be reimbursed 100 per cent by Federal funds.**

**\$170,173.00 for the Special Education Jail program to provide funds for the salary and expenses of the staff providing special education instruction and screening services to inmates, to be reimbursed 100 per cent by State funds.**

**\$213,317.00 for the Goals 2000 Technology grant to provide funds for purchase of classroom computers and related technologies, to be reimbursed 100 per cent by Federal funds.**

**\$300.00 for the Arts Incentive Grant for Madison Middle School to help strengthen the arts program at Madison and to encourage innovative arts programs, to be funded with Federal funds.**

**\$53,300.00 for the Technology Literacy Challenge grant to provide individual competencies and training in instructional technology to 220 teachers in grades K-2 in order to improve the academic and technological achievement of the district's primary students, to be funded with Federal funds.**

**\$15,000.00 for the Chess program to pay for chess materials and tournament participation costs, to be funded with a private donation.**

**\$10,000.00 for the Expanded GED Testing Services program to establish a satellite GED test center at the Virginia Employment Commission and expand testing services in the Roanoke City testing area, to be reimbursed 100 per cent by State funds.**

**\$806,000.00 for the School Instructional Technology program to be used for the purchase of school instructional technology equipment which will enable students in grades nine through twelve to take the Standards of Learning (SOL) test on-line, to 100 per cent reimbursed by State bond funds.**

**A report of the Director of Finance recommending that Council concur in the requests of the School Board, was also before the body.**

**Mr. Harris offered the following emergency budget ordinance:**

**(#35184-011601) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 General, School and School Capital Projects Funds Appropriations, and providing for an emergency.**

**(For full text of Ordinance, see Ordinance Book No. 64, page 85.)**

**Mr. Harris moved the adoption of Ordinance No. 35184-011601. The motion was seconded by Mr. Carder and adopted by the following vote:**

**AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt and Mayor Smith-----7.**

**NAYS: None-----0.**

**REPORTS OF OFFICERS:**

**CITY MANAGER:**

**BRIEFINGS:**

**CITY GOVERNMENT: The City Manager presented a summary of the year 2000 Citizen Survey. She advised that the Roanoke City Citizens Survey is an effort of the City to uphold its commitment to service excellence for all customers; and as a part of its efforts to assess citizen satisfaction with City services, the Office of City Manager contracted with the Center for Survey Research at Virginia Tech to conduct a telephone survey that would represent the opinion of citizens residing in the four geographic quadrants comprising the City of Roanoke. She further advised that the questionnaire was divided into three general areas, viz: (1) how satisfied are you**

with the four areas of Council's Vision Statement -- *Effective Government, Economy, Education and Quality of Life*, and the progress being made to achieve different goals designed to improve the City; (2) What is your opinion on service quality; and (3) general questions about customer service, attitudes toward government and demographics of the community.

She stated that residents gave the City high marks in almost all of the abovementioned areas, City staff is working on those areas that are of concern in order to reach a solution and future plans include conducting a survey to measure the City's success on an annual or bi-annual basis.

The City Manager introduced Susan Willis-Walton, Associate Director of Virginia Tech Center for Survey Research, to present an overview of survey results.

Ms. Walton advised that the instrument used for the study was a telephone survey designed to gather information about the opinions of Roanoke City citizens regarding a variety of City services and issues, and 1,017 calls were conducted during the period of September 1 - October 8, 2000.

Highlights of the survey include the following:

80% rated the City of Roanoke as either an excellent or good place to live;

75% rated the quality of life in the City as excellent or good and agreed that the overall quality and livability of neighborhoods in Roanoke is good.

80% reported that City government is somewhat or very effective in meeting community needs;

72.9% believe City government performance is improving in Roanoke;

64.9% rated the educational resources and opportunities available in the City as excellent or good;

64.1% rated the public schools in the City as either excellent or good;  
60% agreed that City government helps existing businesses to grow;

65% agreed that Roanoke City government does a good job attracting new businesses to the City;

84.2% agreed that City government actively develops the downtown Roanoke area;

**75% indicated that City government does a good job of promoting Roanoke as a tourist destination, as well as developing commercial and industrial areas in Roanoke.**

**46.9% rated the City government efforts to improve the local economy as excellent or good, and 41.9% rated the City's efforts as fair or poor;**

**78% rated police services as either excellent or good, with some citizens expressing concern regarding feelings of safety;**

**87% indicated that they are somewhat or very satisfied with the overall quality of services that the Roanoke City government provides;**

**65.8% reported that the services provided by the City of Roanoke are worth the taxes paid by citizens;**

**25.8% reported that they access the City's Internet web site called, "City Web" at least once per month;**

**63.1% agreed that the Roanoke City government can be trusted to do what is in the best interest of its citizens;**

**63.9% believed that they have the opportunity to contribute to the governance process in Roanoke;**

**Following discussion, questions and comments by the Members of Council, without objection by Council, the Mayor advised that the briefing would be received and filed.**

#### **ITEMS RECOMMENDED FOR ACTION:**

##### **SIDEWALKS/CURB AND GUTTER-DOWNTOWN ROANOKE, INCORPORATED:**

**The City Manager submitted a communication advising that Downtown Roanoke, Inc., (DRI) initiated a discussion with City staff earlier this year to form a partnership regarding the ownership and use of a sidewalk sweeping machine known as a "Green Machine", a state of the art machine designed to sweep, vacuum and scrub sidewalks in crowded urban areas; and DRI will purchase a "Green Machine" for \$24,000.00, in exchange for the City's commitment to regularly operate the machine in the downtown Service District, with a focus on the City market area, for three years, and an agreement to maintain and store the machine at the City's expense following purchase and delivery.**

**The City Manager recommended that she be authorized to execute an agreement with Downtown Roanoke, Incorporated.**

Mr. Carder offered the following resolution

(#35185-011601) A RESOLUTION authorizing a contract with Downtown Roanoke, Inc., for the provision of certain services by the City in exchange for use of a sidewalk cleaning machine purchased by Downtown Roanoke, Inc., upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 64, page 89.)

Mr. Carder moved the adoption of Resolution No. 35185-011601. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

**BUDGET-FIFTH DISTRICT EMPLOYMENT AND TRAINING CONSORTIUM (FDETC):** The City Manager submitted a communication advising that the Fifth District Employment and Training Consortium (FDETC) administers the Federally funded Workforce Investment Act (WIA) for the region, which encompasses the Counties of Alleghany, Botetourt, Craig, Franklin and Roanoke, as well as the Cities of Clifton Forge, Covington, Roanoke and Salem; and the FDETC serves two primary client populations:

dislocated workers who have been laid off from employment through no fault of their own, and

economically disadvantaged individuals as determined by household income guidelines set by the U. S. Department of Labor.

It was further advised that the City of Roanoke is the grant recipient and fiscal agent for FDETC funding, thus Council must appropriate funding for all grants and other monies received by the FDETC:

It was explained that Family Services of Roanoke Valley has entered into an agreement with the Consortium for job placement assistance to approximately 100 referrals from parole officers for Drug Court from November 1999 to October 2000; Family Services paid the Consortium \$19,795.00, or \$1,649.00 per month; Family Services requested, by letter, that the contract be extended through December 31, 2000, at the same rate of reimbursement – \$1,649.00 per month; and Family Services received additional funding for November and December 2000.

It was further explained that jurisdictions in the Fifth Planning District, which include the Cities of Salem, Clifton Forge, Covington and Roanoke, the Counties of Roanoke, Alleghany, Botetourt, Craig, and Franklin, were requested by the FDETC to contribute funds to offset the agency's administrative costs; and the City of Covington has sent a contribution of \$1,715.00 for fiscal year 2001.

The City Manager recommended that Council appropriate funds totaling \$5,013.00 and increase the revenue estimate by \$5,013.00 in accounts to be established in the Consortium Fund by the Director of Finance.

Mr. Hudson offered the following emergency budget ordinance:

(#35186-011601) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Consortium Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64, page 90.)

Mr. Hudson moved the adoption of Ordinance No. 35186-011601. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

**BUDGET-GRANTS-LIBRARIES:** The City Manager submitted a communication advising that the Roanoke Public Library has been awarded two grants by the Bill and Melinda Gates Foundation, in the amounts of \$94,328.00 and \$43,118.00 respectively; the grant of \$94,329.00 is to be used to expand public access to computers and the Internet by purchasing computers and Internet connectivity equipment for the Gainsboro Branch, Jackson Park Branch, the Law Library, the Main Library and the Melrose Branch, and the Raleigh Court and Williamson Road Branches were not eligible for the grant; and the grant of \$43,118.00 is to be used for a regional training lab as a resource for staff and public training in computer use and applications at the Main Library.

The City Manager recommended that the Bill and Melinda Gates Foundation grants be accepted and she be authorized to execute the requisite grant documents; that revenue estimates be established by the Director of Finance in the Capital Projects Fund, and that funds be appropriated in accounts to be established by the Director of Finance.

**Mr. Harris offered the following emergency budget ordinance:**

**(#35187-011601) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Capital Projects Fund Appropriations, and providing for an emergency.**

**(For full text of Ordinance, see Ordinance Book No. 64, page 91.)**

**Mr. Harris moved the adoption of Ordinance No. 35187-011601. The motion was seconded by Mr. Hudson and adopted by the following vote:**

**AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt and Mayor Smith-----7.**

**NAYS: None-----0.**

**Mr. Harris offered the following resolution:**

**(#35188-011601) A RESOLUTION accepting a Bill and Melinda Gates Foundation Grant to the Roanoke Public Library for the purpose of expanding public access to computers and the Internet.**

**(For full text of Resolution, see Resolution Book No. 64, page 93.)**

**Mr. Harris moved the adoption of Resolution No. 35188-011601. The motion was seconded by Mr. Carder and adopted by the following vote:**

**AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt and Mayor Smith-----7.**

**NAYS: None-----0.**

**Mr. Harris offered the following resolution:**

**(#35189-011601) A RESOLUTION accepting a Bill and Melinda Gates Foundation Grant to the Roanoke Public Library for the purpose of establishing a regional computer training lab.**

**(For full text of Resolution, see Resolution Book No. 64, page 93.)**

**Mr. Harris moved the adoption of Resolution No. 35189-011601. The motion was seconded by Mr. Carder and adopted by the following vote:**



**AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt and Mayor Smith-----7.**

**NAYS: None-----0.**

**CITY CLERK:**

**COMMITTEES-SCHOOLS:** A report of the City Clerk advising that pursuant to Chapter 9, Education, Code of the City of Roanoke (1979), as amended, establishing a procedure for the election of School Trustees, the three-year terms of office of Melinda J. Payne and Ruth C. Willson as Trustees of the Roanoke City School Board will expire on June 30, 2001.

It was further advised that pursuant to Section 9-16, of the City Code, on or before February 15 of each year, Council shall announce its intention to elect Trustees of the Roanoke City School Board for terms commencing July 1 through: (1) public announcement of such intention at two consecutive regular sessions of the Council and (2) advertisement of such intention in a newspaper of general circulation in the City twice a week for two consecutive weeks; Section 9-17 provides that applications must be filed in the City Clerk's Office by March 10 of each year, however, since March 10, 2002, falls on Saturday and City offices will be closed, the deadline for receipt of applications will be Friday, March 9 at 5:00 p.m; application forms will be available in the City Clerk's Office and may be obtained between the hours of 8:00 a.m., and 5:00 p.m., Monday through Friday; and information describing the duties and responsibilities of School Trustees will also be available.

Without objection by Council, the Mayor advised that the report of the City Clerk would be received and filed.

**DIRECTOR OF FINANCE:**

**AUDITS/FINANCIAL REPORTS-BUDGET:** A report of the Director of Finance advising that Section 2-188.1, Reserve for self-insured liabilities, Code of the City of Roanoke (1979), as amended, stipulates that at the conclusion of each fiscal year, \$250,000.00, to the extent available from any undesignated General Fund balance at the end of such fiscal year, shall be reserved for self-insured liabilities of the City; the maximum balance of the reserve is three per cent of total General Fund appropriation for the concluded fiscal year; and as such, on June 30, 2000 \$25,000.00 was reserved in the General Fund for self-insured liabilities.

The Director of Finance recommended that Council approve appropriation of the \$250,000.00 reserved in the General Fund for self-insured liabilities to be transferred to the Risk Management Fund where the remaining self-insurance reserve exists; approve the establishment of a revenue estimate in the Risk Management Fund for the transfer and increase the Reserve for Self-Insured Liabilities.

Mr. Harris offered the following emergency budget ordinance:

(#35190-011601) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 General and Risk Management Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64, page 94.)

Mr. Harris moved the adoption of Ordinance No. 35190-011601. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

REPORTS OF COMMITTEES: NONE.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

WATER RESOURCES: Council Member Hudson inquired about the level of water supply at the Carvins Cove Reservoir; whereupon, the City Manager advised that she would provide Council with the appropriate information.

CITY GOVERNMENT: Council Member Bestpitch commended the Mayor on the success of the first Roanoke Valley Leadership Summit which was held on Monday, January 8, 2001, at the Jefferson Center.

**OTHER HEARING OF CITIZENS UPON PUBLIC MATTERS:** The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

**COMPLAINTS:** Mr. Frank Spencer, 503 Bullitt Avenue, S. E., expressed concern with regard to the transient population in southeast Roanoke.

At 3:05 p.m., the Mayor declared the meeting in recess for continuation of a Closed Session.

At 7:00 p.m., on Tuesday, January 16, 2001, the regular meeting of City Council reconvened in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Vice-Mayor Carder presiding.

**PRESENT:** Council Members William D. Bestpitch, C. Nelson Harris, W. Alvin Hudson, Jr., William White, Sr., and Vice-Mayor William H. Carder. -----5.

**ABSENT:** Council Member Linda F. Wyatt and Mayor Ralph K. Smith-----2.

**OFFICERS PRESENT:** Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

**COUNCIL:** With respect to the Closed Meeting just concluded, Mr. Harris moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any Closed Meeting were heard, discussed or considered by City Council. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

**AYES:** Council Members Bestpitch, Harris, Hudson, White and Vice-Mayor Carder-----5.

**NAYS:** None-----0.

(Mayor Smith and Council Member Wyatt were absent.)

The reconvened meeting was opened with a prayer by Council Member C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America was led by Vice-Mayor Carder.

**PUBLIC HEARINGS:**

**GRANTS-TRAFFIC:** Pursuant to Resolution No. 25523 adopted by the Council of the City of Roanoke on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Tuesday, January 16, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, to consider previously received applications for Federal funds made available through the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) for transportation enhancement projects in fiscal year 2001-02, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Tuesday, January 2, 2001 and Tuesday, January 9, 2001; and in The Roanoke Tribune on Thursday, January 4, 2001.

A communication from the City Manager advising that the Transportation Equity Act for the 21st Century (TEA-21) was signed into Federal law in June 1998, which action reauthorized the Federal surface transportation programs for six years, from fiscal year 1998 to 2003, replacing the Intermodal Surface Transportation Efficiency Act (ISTEA); the law provides \$215 billion in spending authority for highways and transit, including \$3 billion for transportation enhancement projects; TEA-21 requires State departments for transportation to set aside ten per cent of their Surface Transportation Program (STP) allocation each year for transportation enhancements, which includes activities such as facilities for pedestrians and bicyclists (such as greenways) and rehabilitation of historic transportation buildings; and the Virginia Department of Transportation (VDOT) held a public meeting regarding the TEA-21 enhancement program on November 16, 2000, was before Council.

It was further advised that any group, or individual, may initiate enhancement projects; however, City Council and the Metropolitan Planning Organization must endorse the applications prior to submittal to VDOT by the applicant on or before January 31, 2001; two enhancement project applications have been received; i.e.: the City of Roanoke and the Western Virginia Foundation for the Arts and Sciences; and the City Planning Commission received the requests on December 21, 2000, and submitted a recommendation to Council under separate cover.

The City Manager recommended that Council endorse, by separate resolution, project applications submitted by the City of Roanoke for gateway improvements within the Williamson Road corridor, and Western Virginia Foundation for the Arts and Sciences for renovation of the former Norfolk and Western Railway Passenger Station and agree to pay 20 per cent of the total cost for planning and design,

right-of-way and construction of the project; and if the City elects to cancel a project, the City would reimburse VDOT for the total amount of costs associated with any work completed on either project through the date of cancellation notice. The City Manager further recommended that she be authorized to execute, on behalf of the City, any City/State Agreements for project administration, subject to approval of project applications by VDOT, and that she be further authorized to execute, on behalf of the City, a legally binding agreement with the Western Virginia Foundation for the Arts and Sciences (WVFAS), subject to approval of the application by VDOT, requiring the Western Virginia Foundation for the Arts and Sciences to be fully responsible for its matching funds, as well as all other obligations undertaken by the City by virtue of the City/State Agreement.

Mr. White offered the following resolution:

(#35191-011601) A RESOLUTION requesting that the Commonwealth Transportation Board establish a project for gateway improvements within the Williamson Road corridor.

(For full text of Resolution, see Resolution Book No. 64, page 96.)

Mr. White moved the adoption of Resolution No. 35191-011601. The motion was seconded by Mr. Hudson.

The Vice-Mayor inquired if there were persons present who would like to address Council in connection with the matter. There being none, Resolution No. 35191-011601 was adopted by the following vote:

AYES: Council Members Bestpitch, Harris, Hudson, White, and Vice-Mayor Carder-----5.

NAYS: None-----0.

(Mayor Smith and Council Member Wyatt were absent.)

Mr. Harris offered the following resolution:

(#35192-011601) A RESOLUTION requesting that the Commonwealth Transportation Board establish a project for renovation of the former Norfolk & Western Railway Passenger Station.

(For full text of Resolution, see Resolution Book No. 64, page 97.)

Mr. Harris moved the adoption of Resolution No. 35192-011601. The motion was seconded by Mr. Bestpitch.

The Vice-Mayor inquired if there were persons present who would like to address Council in connection with the matter. There being none, Resolution No. 35192-011601 was adopted by the following vote:

AYES: Council Members Bestpitch, Harris, Hudson, White and Vice-Mayor Carder-----5.

NAYS: None-----0.

(Mayor Smith and Council Member Wyatt were absent.)

**STATE HIGHWAYS:** Pursuant to Resolution No. 25523 adopted by the Council of the City of Roanoke on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Tuesday, January 16, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, to receive public comments regarding alternatives for the proposed I-73 Project, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Thursday, January 11, 2001; Friday, January 12, 2001, and Sunday, January 14, 2001, and in The Roanoke Tribune on Thursday, January 11, 2001.

Robert K. Bengtson, Director of Public Works, presented an overview with regard to proposed I-73. He stated that there are a range of alternative routes for I-73 that are spread across Southwestern Virginia, one of which follows U. S. 460 from the West Virginia State line, to Roanoke, to U. S. 220 South, to North Carolina; and in October 1993, Council adopted a resolution urging the Virginia Department of Transportation (VDOT) to support the general alignment through the Roanoke area, and out of this alignment, other local alternatives, i.e., the eastern and western routes have been generated.

Mr. Bengtson further advised that VDOT briefed Council in July 1998 and July 2000; the Draft Environmental Impact Statement evaluating various environmental and quality of life issues with regard to roadway alternatives has been completed and released by VDOT; and Council adopted the City's 2001 Legislative Program in December 2000 supporting the I-73 project as an important element in the economic future of the region.

The Vice-Mayor inquired if there were person present who would like to be heard in connection with the matter.

**Michael Urbanski, Attorney representing the Rappaport Companies, appeared before Council on behalf of the owner of Towers Mall, and expressed concern with regard to proposed I-73 running through downtown Roanoke, which would eliminate direct southbound access off I-581 to Colonial Avenue and Towers Mall. He emphasized that Towers Mall is an important part of the economic tax base of the City, and the elimination of access to Colonial Avenue may result in the loss of sales for tenants and property values, and create a negative tax issue for the community, the neighborhood, and the City.**

**Mr. Winfred D. Noell, 2743 Northview Drive, S. W., spoke in opposition to the proposed I-73 project, and spoke in support of a transportation system management (TMS) alternative.**

**Mr. Brent Riley, 5280 Wade Road, Roanoke County, spoke in support of the TMS alternative, and expressed concern with regard to the proposed I-73 project being constructed along the western corridor of the City.**

**Mr. David Socky, 672 Woodbrook Drive, Roanoke County, spoke in support of the TMS alternative, and also expressed concern with regard to the construction of the proposed I-73 project along the western corridor of the City.**

**Mr. Howard Noel, 5712 Castle Rock Road, Roanoke County, spoke in support of the proposed I-73 project, and stated that the City of Roanoke is the economic heart of the Roanoke region, and construction of the I-73 project will ensure opportunities for the City by bringing better economic development to the Roanoke region.**

**Mr. Fredrick ("Rick") Williams, 3125 Sunrise Avenue, N. W., spoke in opposition to corridor alignments for the proposed I-73 project, and expressed support for the TSM alternative. He cited reasons of safety issues, air quality, construction disruptions in downtown Roanoke and the impact on surrounding businesses and residential areas, decrease in property values in neighborhoods such as Washington Park, Gainsboro, and Belmont, etc. He further stated that the broader urban impact is that the proposed I-73 project will encourage more low density sprawling growth at Roanoke's perimeter and will produce additional urban blight, as well as continue to disproportionately affect the disadvantaged and elderly citizens.**

**Matt Kennell, President, Downtown Roanoke, Inc., presented a resolution unanimously adopted by the Board of Directors in support of the billed alternative central alignment as the best route for proposed I-73. He also presented copies of correspondence from downtown businesses expressing concern with regard to the proposed project and the potential impact it could have on businesses in downtown Roanoke.**

**Ms. Ann Rogers, P. O. Box 14224, proposed a series of round table discussions between Downtown Roanoke, Inc., the Roanoke Regional Chamber of Commerce, the City of Roanoke, Virginians for Appropriate Roads, I-73 Regional Impact Network, representatives of the Virginia Department of Transportation, and other interested stakeholders to develop a more agreeable design.**

**Ms. V. Lee Wolfe, President, Gainsboro Neighborhood Alliance, spoke in opposition to the I-73 project, and referenced correspondence presented to Council in August 2000 which expressed the concerns of the Gainsboro Neighborhood Alliance relative to the I-73 project.**

**Mr. Mark Pederson, 1210 Penmar Avenue, S. E., stated that VDOT has failed, as a neutral agency, to thoroughly research alternatives available to citizens, government and municipalities that will be affected by the I-73 project; and suggested that Council hire Todd Litton, a transportation engineering consultant from Canada, who works on TSM and TDM proposals to provide additional input with regard to alternatives.**

**Mr. Bill Dandridge, 2620 Rosalind Avenue, S. W., spoke in support of the TSM alternative, and expressed concern with regard to the negative affect on area watersheds and ridge lines, and a decrease in beautification of the area.**

**Mr. Bobby Meadows, President, Belmont Preservation Association, spoke in opposition to the proposed I-73 project, and suggested that the City repair existing roads.**

**Mr. Allen Childress, 6549 Masons View Lane, Roanoke County, spoke in support of the TMS alternative, and stated that the dogleg of proposed I-73 to Roanoke is for economic development purposes and direct access to the Roanoke Regional Airport. He further stated that taxpayers of the Commonwealth of Virginia would have to pay 20 per cent of the \$1.47 billion, and the TSM alternative cost is \$146 million, or one-tenth of the cost of the interstate project. He suggested that some of the features of the TSM alternative would be beneficial and it is incumbent upon the taxpayers to look at money issues.**

**John McGonigal, Member, Southeast Action Forum and Belmont Preservation Association, spoke in support of a modified version of I-73 and the TSM.**

**Mr. Clark Thomas, 740 Arbutus Avenue, S. E., spoke in support of an enhanced version of the TSM alternative, and opposed any type of road through the southeast quadrant of Roanoke City.**



**Mr. Preston Hoffman, 402 Washington Avenue, S. W., spoke in opposition to the proposed I-73 project which would increase traffic volume, air pollution and traffic fatalities on Route 220 and I-81. He proposed improvements to U. S. Route 220.**

**Kathy Hill, President, Riverland Alert Neighborhoods, read a prepared statement in support of the TSM alternative. She called attention to the Vision Statement adopted by Council, Quality of Life, which states that Roanoke will be a community for every person, and every family is important and respected, Roanoke will be a community of stable, safe, caring and friendly neighborhoods, and Roanoke will protect the natural environment and promote cultural, social and recreational opportunities that encourage present and future generations to choose Roanoke as their home. She urged that Council oppose the I-73 project.**

**Mr. Alan Gleiner, Chair, I-73 Regional Impact, spoke in support of the TSM alternative which will improve the efficiency and safety of I-581 and U. S. Route 220 without the destruction of homes, businesses and farmland that may occur in connection with the proposed I-73 project. He proposed that a committee be appointed composed of concerned citizen groups, the Roanoke Regional Chamber of Commerce, and Council to study a proposal that could bring a resolution to the issue.**

**Evelyn D. Bethel, President, Historic Gainsboro Preservation District, Inc., read from the City's Vision Statement on Effective Government which provides that government will be participatory, responsive and efficient, valuing diverse community involvement, public/private partnerships and regional cooperation and citizens will be involved in the establishment of community priorities. She advised that Gainsboro residents sent letters and petitions to VDOT regarding I-73 and urged that Council vote against I-73, especially through the central part of the City of Roanoke.**

**Ms. Kristen Pechman, 831 Webster Drive, Roanoke County, spoke in opposition to the I-73 project and urged Council to support the TSM alternative, which would make a new interstate unnecessary.**

**Mr. E. Duane Howard, 508 Walnut Avenue, S. W., spoke in opposition to the I-73 project, and urged that Council support the TSM alternative.**

**Mr. Peter Johnson, Jr., 4758 Martinelle Avenue, Roanoke County, spoke in opposition to I-73, and suggested the creation of village centers with businesses. He suggested keeping roads natural rather than constructing interstates.**

**Ms. Suzanne Osborne, 1702 Blair Road, S. W., spoke in opposition to the proposed I-73 project, and expressed support of the TSM alternative.**

Edwin Hall, Member, Roanoke Regional Chamber of Commerce, spoke on behalf of the Regional Chamber in support of the I-73 project, citing safety and economics as two major reasons. Mr. Hall advised that safety, the greatest savings of life, have occurred on higher levels of interstates in the highway system; there are 17 locations along U. S. Route 220 with critical accident ratings ranging from 132 to 1,138; VDOT calculates critical accident rates based on the number of accidents per 100 million vehicles traveled, the acceptable threshold for a critical accident rate on U. S. 220 is 112; and Virginia's economic dependence on highways is the 9<sup>th</sup> highest among the nation of all states. He further advised that every \$1 billion invested in transportation infrastructure generates more than \$2 billion in economic activity; each \$1 billion invested in building and upgrading the nation's highways since 1950 reduced highway fatalities by 1,400 over 40 years and saved the American society over \$2 billion in health care insurance, lost wages and productivity costs; and potential economic benefits of I-73 would save commuting time, increase productivity from commuter time savings, save travel time for businesses, transportation costs, increase short term jobs during construction, increase jobs in existing industry, create new jobs through location, increase annual gross regional product, personal income, population, housing, revenue from real estate taxes, and state and local taxes. He stated that the TSM option includes only minor improvements between Tanglewood Mall and Boones Mill, such as sight distance, median extensions, rebuilding of a 1,200 foot and a 3,200 foot stretch which would help with safety issues, but would not increase adequate capacity for current traffic levels.

For clarification purposes, Council Member Harris commented that Council has no authority with regard to the proposed I-73 project, and the purpose of the public hearing is to receive citizen input.

Mr. Bestpitch emphasized that Council's responsibility is to represent the concerns of its constituents on issues that have been identified as problems or potential problems associated with the proposed I-73. He suggested that another work session be scheduled with VDOT to allow Council, as representatives of the citizens, to have an opportunity to ask questions before making a final recommendation.

The Vice-Mayor inquired if there were other persons who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

**HEARING OF CITIZENS:** The Vice-Mayor advised that Council sets this time as a priority for citizens to be heard, it is a time for citizens to speak and a time for Council to listen and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

**COMPLAINTS-NEIGHBORHOOD ORGANIZATIONS:** Bobby Meadows, President, Historic Belmont Preservation Association, and presented copy of a communication from Eric Branscom, Attorney, representing the Historic Belmont Preservation Association, addressed to the Executive Director of the Roanoke Rescue Mission, setting forth concerns with regard to the proposed expansion of the Rescue Mission. He advised that the Belmont Preservation Association recommends that Historic Belmont have an active and productive partnership with the Rescue Mission, and that the Rescue Mission participate in various activities and programs to improve the quality of life in the neighborhood, such as neighborhood cleanup projects, neighborhood beautification projects, and active involvement with crime prevention activities.

Without objection by Council, the Vice-Mayor advised that the remarks and communication would be referred to the City Manager.

There being no further business, at 8:55 p.m., the Vice-Mayor declared the meeting in recess, to be reconvened on Monday, January 29, 2001, at 7:00 p.m., in the City Council Chamber, at which time the Council will receive public input on two options to be considered by Council regarding Victory Stadium.

The Council meeting reconvened on Monday, January 29, 2001, at 7:00 p.m., in the City Council Chamber, Fourth Floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding.

**PRESENT:** Council Members William D. Bestpitch, William H. Carder, W. Alvin Hudson, Jr., William White, Sr., Linda F. Wyatt, and Mayor Ralph K. Smith-----6.

**ABSENT:** Council Member C. Nelson Harris-----1.

**OFFICERS PRESENT:** Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by Mayor Ralph K. Smith.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

The Mayor advised that the purpose of the meeting is to hold a public hearing to receive public input and comment on two options that the Council is considering with regard to Victory Stadium.

Legal advertisement of the public hearing was published in *The Roanoke Times* on January 12, 2001 and January 21, 2001.

The two options under consideration by the Council are as follows:

**Option 1: Maintain half of the existing stadium and add a stage and use the stadium for sports and concerts. The concepts involving this option consist of the following:**

9,000 seats, primary one - sided stadium; 8,000 bench seats and 1,000 telescopic risers;  
20,000 seats for amphitheater set up (9,000 permanent bench seats and 11,000 portable chairs or lawn seats)  
Soccer, football fields  
New press facilities, East side supports concert functions  
New, state-of-the-art permanent side stage  
Field, stage, support facilities raised above 100 year flood plain  
Telescoping "side stage" seats for sports in Stage House

**Estimated cost:** **\$14,470,000.00**

**Option 2: Demolish entire stadium and construct a new stadium and stage for sports and concert uses. The concepts involving this option consist of the following:**

8,000 seats; primarily one-sided stadium (7,000 permanent chairs and 1,000 telescopic risers)  
19,000 seats for amphitheater set up (8,000 permanent chairs and 11,000 portable chairs or lawn seating)  
Stadium axis rotated to maximize all uses relative to sun angles  
Soccer, football fields  
New press facilities, North side supports concert functions  
New, state-of-the-art permanent side stage, South side  
Field, stage, concourse, support facilities raised above 100 year flood plain  
Telescoping "side stage" seats for sports in stage house

**Estimated Cost:** **\$17,725,604.00**

The Mayor advised that inasmuch as 19 persons had signed up to speak, each speaker would be requested to limit their remarks to three minutes.

Mr. Jim Fields, 17 Ridge Crest Road, Hardy, Virginia, advised that Victory Stadium should be saved because it is one of the finest stadiums and one of the best structures of its kind anywhere in the United States. He referred to other structures in Roanoke that should have been preserved as a part of Roanoke's history, and advised that additions could be made to Victory Stadium on both sides of the facility, and grandstand seats could be added at the site where the National Guard Army is currently located. He stated that with renovations in the range of \$7 - 10 million, Victory Stadium could become a facility that the entire City would be proud of, and with proper marketing efforts, promoters will book events at Victory Stadium and bring money into the City's coffers.

Mr. Mark Burton, 2235 Sherwood Avenue, S. W., advised that at some point in time, a consensus will be reached on whether the City will spend a considerable sum of money on renovating a stadium, or tearing it down, etc.; and certain proposals have been submitted, which he does not necessarily agree with; whereupon, he inquired as to the process that was used, the consultants that were interviewed and their credentials insofar as athletic field maintenance, stadium maintenance, special event venues, and the functionality with the existing facility or a new facility; did the City Manager talk with major users of the existing facilities, such as the Department of Parks and Recreation which stores equipment at Victory Stadium that is used daily in maintenance of the City's rights-of-way; did the City Manager talk with the members of the Special Events Committee, or to the American Cancer Society in regard to its involvement with Relay for Life, or to Festival in the Park representatives, or to representatives of Roanoke Catholic High School, or to representatives of the National Guard Armory. He referred to the history of Victory Stadium and the nostalgia of citizens of the Roanoke Valley associated with the facility.

Ms. Freida Tate, 2715 10<sup>th</sup> Street, N. W., spoke in support of a referendum to allow citizens an opportunity to vote on the fate of Victory Stadium, or construction of a new stadium/amphitheater. She advised that the past is what Roanoke is built on and urged that Council vote to renovate Victory Stadium and look to the future, while restoring a historic facility of the past.

Mr. Bill Ammen, 4938 Greenlee Road, S. W., requested that Council reconsider its decision made on December 18, 2000, and submit all three options for Victory Stadium to a public referendum, because it is unfair for five of a seven member Council to decide such a mammoth issue. He referred to a recent article in *The Roanoke Times* that contained the following headline: "Roanoke School Board Expresses Disappointment, Victory Stadium Plans Blasted"; and one member of the School Board was quoted as saying, "I am disappointed that it is being set up No. 1 for entertainment, and No. 2 for students", and "this is not a stadium for athletics but is an amphitheater used for athletics". He referred to a recent issue of *The Roanoker Magazine* which reported that on Thanksgiving Day 1942, at the annual

football game between VPI and VMI and in the presence of the Corps of Cadets for both schools and a stadium filled with football fans and dignitaries, Victory Stadium "was committed to the glory of God for the complete and permanent victory of America and her allies." He stated that in 1942, Americans were fighting for their lives in North Africa, the Pacific, and all over Europe and victory was not certain; therefore, he asked if Victory Stadium is demolished, or one-half of the structure is torn down, what will be the message that will be sent to all of the thousands of brave men who laid down their lives, or were wounded fighting for this complete and permanent victory over Nazi Germany and Imperial Japan.

Mr. Chris Craft, 1501 East Gate Avenue, N. E., spoke in support of saving Victory Stadium in its current condition and urged that a public referendum be held to allow taxpayers to vote on the issue. He stated that five members of Council voted on the issue on December 18 which does not necessarily represent the wishes of the majority of the citizens of Roanoke; and Council is elected to represent all taxpayers of Roanoke and to take their input and wishes into consideration. He referred to other historic structures in Roanoke that were demolished and questioned the legacy that will be left for Roanoke's future generations if Roanoke's historic structures continue to be torn down rather than renovated. He referred to successful efforts by the City and others to renovate Jefferson High School and The Hotel Roanoke and advised that the same could be done for Victory Stadium.

Mr. John Graybill, 2443 Tillett Road, S. W., advised that any Member of Council who voted on the prevailing side could move to reconsider the vote which was taken on December 18 and allow Victory Stadium to be preserved which is the desire of the majority of the citizens of the City of Roanoke. He further advised that voters are not simply speaking to the issue of nostalgia for the good old days, but a concern about what will happen to Victory Stadium in the future. He stated that Victory Stadium will be used for football games and for other purposes if it is renovated and properly marketed by the City, and the necessary funds should be invested by the City to address daily maintenance needs of the facility.

Mr. Charles Price, 3101 Willow Road, N. W., spoke in opposition to Council's vote which was taken on December 18, but advised that he would approach the issue from a different perspective. He stated that since moving back to Roanoke, he has been involved with the youth of the area through recreational ball for approximately 20 years and it is appalling that the City of Roanoke has not respected that portion of Roanoke's society by requiring Roanoke's youth to use "second fiddle" type facilities for football and soccer. He stated that Roanoke is the largest city west of Richmond, yet it has the poorest facility of any locality. He called attention to the pride of young people who have had the opportunity to participate in sports activities at Victory Stadium and the City should continue to nurture the pride

of its young citizens. He referred to the City's lack of maintenance of Victory Stadium over the past 15 - 20 years and now there is the threat of taking away the heritage of many Roanokers. He requested that Council reconsider its December 18 vote and authorize renovation of Victory Stadium.

Ms. Sarah Lee, 4139 Appleton Avenue, N. W., President, William Fleming Student Government Association, and Captain of the William Fleming Cheerleading Team, read a letter from a fellow student who could not attend the meeting, but would like to speak in support of a newer playing field and an up to date track facility. She advised that the student is concerned with the lack of seating capacity and showers, poor seating mechanisms, sanitation issues, and the condition of locker rooms; therefore, he requests that the City investigate his concerns and that Victory Stadium be renovated. From the standpoint of a cheerleader, Ms. Lee advised that since no track facility is included in the proposed new stadium, where will cheerleaders be stationed during games, will fans be seated on the same side of the stadium, and will the band and cheerleaders be stationed on one side of the stadium. She further advised that the track team has inquired if it would be possible to construct an all weather track that would bring additional revenue to the City by providing a facility to accommodate large track events. As a cheerleader, she stated that she has had the opportunity to travel across the state and facilities throughout the State of Virginia are much better than Roanoke's; Patrick Henry and William Fleming High Schools have no home advantage because they must share Victory Stadium; and if a new stadium/amphitheater is constructed, local high school sports teams want to know if there will be a guarantee that they will have the facilities that are necessary to compete with other sports teams in Virginia.

Mr. Richard Kepley, 550 Kepplewood Road, S. E., expressed pride when he visits The Hotel Roanoke or The Jefferson Center because of the City's efforts to renovate and to preserve the structures, which could also be done for Victory Stadium because Roanokers are proud of their stadium. He advised that at one point it was thought that Victory Stadium was structurally unsound, but it has been found that such is not the case, and the facility can be used for many years to come; whereupon, he called attention to the expenditure by the City of over \$150,000.00 to secure the brick, over \$30,000.00 to install an irrigation system, \$40,000.00 to \$50,000.00 to install new metal bleachers and now there is discussion about demolishing the facility. He spoke in support of holding a public referendum to allow the citizens of Roanoke to vote on the fate of Victory Stadium, thus taking Council off the hook. He stated that a new stadium/amphitheater needs more study, and referred to another option; i.e.: consider a second stadium that seats between 5,000 and 6,000 persons along with a track facility, retain Victory Stadium and invest the necessary funds over the next five to ten years to renovate the facility.

**Dr. J. Keith Bohon, 5012 Cave Spring Circle, S. W., spoke in support of renovating Victory Stadium because the facility is a part of Roanoke's past and should be preserved for Roanoke's future generations. He stated that Victory Stadium was dedicated for the glory of God and to the victory in Europe for our country; and Victory Stadium was born on November 26, 1942, Thanksgiving Day, and died on December 18, 2000, by a 5 - 2 vote of the Council. He advised that a stadium is a field, the Greek meaning is linear measurement of a field, with stands and rising tiers for spectators, and a stadium is basically intended for the purpose of holding athletic events; therefore, a good turf cannot be maintained while allowing other types of activities to occur. He stated that if Victory Stadium had been properly maintained by the City over the past 20 years, it would not be in its current state of disrepair.**

**Mr. William Bova, 2334 Idavere Road, S. W., spoke in support of a new stadium and advised that he was pleased that the Council has moved forward on the issue. He stated that the issue centers around Roanoke's youth, its high school students and athletic teams that need an adequate facility on which to play sports. He referred to the pride of Roanoke Valley residents in such facilities as the new baseball stadium and the new high school football stadium in the City of Salem; Roanoke County is beginning to move forward with the City of Salem on a new water park, and it is time for the City of Roanoke to move forward with a stadium such as the proposal for a mixed use facility. He stated that many Roanokers favor some type of new facility which could be viewed as an economic development tool that would coincide with the new biotechnology center. Therefore, he asked that Council do everything it can to move forward with the idea of a new stadium/amphitheater facility in the Orange Avenue/Williamson Road area.**

**Mr. Robert Gravely, 1412 Moorman Road, N. W., advised that proposals have been submitted that did not involve the citizens of Roanoke, or the City's work force. He stated that Victory Stadium is in its present state of disrepair because it was not properly maintained by the City for many years. He spoke in support of the expenditure of funds to renovate Victory Stadium rather than to spend taxpayer's money to construct a new stadium/amphitheater, and advised that Victory Stadium will be used if it is marketed properly by the City and will add revenue to the City's coffers. He stated that the citizens of Roanoke should be given the opportunity to vote on the fate of Victory Stadium through a public referendum.**

**Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., spoke in support of renovating Victory Stadium for creative re-use. She stated that citizens with historic connections to Roanoke think about how much poorer the City would be without the Harrison Museum of African-American Culture or the historic Gainsboro Branch Library; therefore, Council is implored to maintain and to renovate Victory Stadium. She advised that throughout the meetings regarding the City's Comprehensive Plan, Vision 2001-2020, citizens repeatedly talked about bringing young people to the area,**



and the need for technology and better jobs; therefore, assuming that those goals are met, why would the City consider demolishing a 25,000 seat stadium to build a facility that has less than 10,000 seating capacity at a time when the City says it wants growth. She called attention to the number of persons who have asked the City to keep and to renovate Victory Stadium and to make the facility useable for Roanoke's youth who will have a greater love of Victory Stadium than any new facility that might be constructed by the City.

Mr. Adam Peters, 3943 Bosworth Drive, S. W., advised that a new high tech sports complex is a necessity for each high school in the City of Roanoke, and will enhance the image of Roanoke as a progressive city and help to bring business partners to the area. He stated that the field of the new stadium should be of north-south orientation. He spoke to the importance of the addition of a track facility and expansion of the visitors section to at least 2,500-3,000 seats, which is necessary to separate opposing fans and students and represents a safety issue. He also spoke to the importance of including a track facility in the multi functional sports and entertainment complex because building a track at a separate location without the required seating capacity to host district and regional meets will not be cost efficient; and providing one location that can host all athletic events will build pride and a sense of unity for all athletes using the facility.

Mr. Raymond Kessler, 3540 Hartland Road, S. W., requested more information on construction costs, maintenance costs, parking issues, and costs associated with shuttle buses. He advised that after all of the figures are publicized, citizens can reach their own conclusions and they should be allowed to vote their preference through a public referendum.

Mr. Tom Bradley, 809 Williamson Road, N. W., advised that Victory Stadium was dedicated to the memory of World War II veterans, the stadium is a part of Roanoke's history and should be preserved for future generations.

Mr. Woody Deans, 2847 Woodthrush Drive, S. W., Athletic Director, Patrick Henry High School, advised that it has been stated by some persons that sports is the primary issue regarding Victory Stadium; and in order for such to be the case, two major things need to occur with whatever option is selected. He stated that first is the need to construct a track facility inside Victory Stadium; there has been much discussion about a multi-use facility and spending more than \$1 million to move to another location that is less desirable and will be outdated by the time it is constructed; and it has been stated by an official of the Virginia High School League that in order to host any type of regional or state track meet at least 2,500 to 3,000 people must be in attendance, therefore, the proposed facility would be out of use the minute it is constructed if a 600 seat track is built; and the needs of cheerleaders would also be served if a track is built inside the stadium. He added that it is also important to equally balance the seating on both sides of the field, which could be done with either option; currently, the gates are closed at football games so that

**fans cannot move back and forth from side to side for safety reasons and if both teams are placed on the same side, a security issue will be created. He stated that another important point is that the field should run north to south, all football fields are set up in that manner, most games are played during late afternoons and early evenings, and although spectators looking into the sun are uncomfortable, a poor playing environment would be created for athletes looking into the sun.**

**Mr. Steve Willson, 2651 Creston Avenue, S. W., a member of the Patrick Henry High School Boosters Club, spoke on behalf of those athletes who will use the playing field and reiterated the remarks of Coach Deans that field access is important; and there is a need for visitors side seating as well as a home side with perhaps lesser seats on the visitors side. He stated that he has no preference as to renovating or rebuilding Victory Stadium; Victory Stadium with an essentially brand new facility can still be Victory Stadium and serve as a memorial and a monument to World War II veterans; the present stadium, lighting, restrooms, dressing rooms, concession facilities, wiring, are all of third world quality; and more extensive renovations are needed than just a few coats of paint or installing new pipes, all of which should be thoroughly reviewed before reaching the conclusion that renovation is a feasible option. He stated that his main concern is that the Council will give at least as much consideration to the athletic needs of Roanoke's high school students as it gives to revenue building possibilities and the need for a concert site.**

**Mr. Danny Smith, 3593 Peakwood Drive, S. W., spoke from the standpoint of a sports enthusiast, a sports participant and a sports observer. He advised that the issue is whether the community will support whatever decision is made and take pride in whatever facility is constructed. He concurred in the remarks of a previous speaker that facilities in Victory Stadium are of a "third world" quality, and major renovations will be required. He stated that Roanokers should be able to take pride in the types of sports facilities that are offered for their use and for persons visiting the area from other localities, some of which have better playing facilities than Roanoke. He added that Victory Stadium is in a good location, it is a sound facility and it should be turned into the type of facility that Roanokers can take pride in.**

**Mr. Douglas Turner, 545 Highland Avenue, S. W., recommended the appointment of a citizens commission, including persons with experience in renovating structures, to determine costs. He advised that from the perspective of an individual who renovates structures for his livelihood, he can attest to the fact that in most cases it is less expensive to renovate than to construct something new, therefore, he encouraged Council to consider the renovation of Victory Stadium.**

**Mr. Stuart B arbour, 9 27 R iverland R oad, S . E ., c alled a ttention t o p ublic meetings where citizens were given the opportunity to review the various alternatives and to provide input. He advised that upon assuming her position, the new City Manager engaged the services of Rosser International to develop various options. He stated that currently, there is nothing wrong with Victory Stadium that new lights and new locker rooms will not cure, and it is hard to believe that it will be necessary to spend over \$16 million to renovate Victory Stadium. He added that the stadium/amphitheater concept is ill conceived, the facts have been misrepresented and it is wrong not to renovate Victory Stadium.**

**Mr. J. Granger Macfarlane, 2402 Woodcliffe Road, S. E., advised that Victory Stadium is currently in a state of disrepair and needs to be refurbished and updated, and ultimately aggressively and properly marketed by the City. He commended the City Manager for placing the stadium under the purview of the management of the Roanoke Civic Center because Civic Center staff has marketing expertise. He suggested that a referendum be conducted in November, pursuant to Section 24.2-684.1, Code of Virginia, 1950, which calls for a special referendum, and advised that his reason for suggesting a public referendum is that when the overall estimate of a high ticket item or project exceeds \$15 - 20 million, such action calls for more formal public input and public participation, especially in an area where there is such an emotional decision at hand. He encouraged Council Members to be of political courage, and advised that the issue can be re-analyzed if it is felt that some additional background protection is needed, the referendum can take the form of an advisory referendum, rather than a bonding referendum, and there is ample opportunity, both in time and from the standpoint of good solid business judgment, to give more thorough consideration to such a large and expensive project.**

**Ms. Kathy Hill, 509 Arbor Avenue, S. E., spoke in support of renovating Victory Stadium. She expressed concern that the facility has been allowed to reach its current state of disrepair because sufficient funds were not appropriated by the City. She stated that she has followed the issue very closely and has continued to be in favor of renovation of Victory Stadium, but since it appears that that is no longer an option she would favor Option No. 1 that allows saving one-half of Victory Stadium for use. She added that it is important to listen to the concerns of Roanoke's high school students in regard to the poor sound system and the condition of restrooms and concession facilities. She advised that money should be spent on improving these conditions now instead of waiting until it is decided to tear down half of the stadium and to renovate the other half. She concurred in the remarks of previous speakers regarding the need for a public referendum to allow the citizens of Roanoke to vote on the fate of Victory Stadium. She stated that the necessary funds should be invested in the Roanoke Civic Center now so that it, too, will not fall into a state of disrepair.**

**Ms. Tiffany Curtis, 1309 Guildford Avenue, N. W., spoke in support of renovating Victory Stadium as soon as possible, and that Council give further consideration to including a track facility at the new structure. She inquired as to how an amphitheater would benefit Roanoke's teenagers, what type of activities will be held for teenagers in the facility and why was the renovated track taken out of the new stadium/amphitheater proposal. She asked that the youth of Roanoke be considered when the final decision is made by Council.**

**Mr. Robert Wells, 2011 Memorial Avenue, S. W., Apartment B, spoke in support of construction of an amphitheater. He advised that when he moved to Roanoke, he was amazed that the City did not have this type of facility which causes Roanokers to travel to other localities where entertainment venues of this nature are available. He stated that another option could be a temporary structure to accommodate a concert series at Victory Stadium which would cost approximately \$100,000.00 for a six month season, not including union labor and other associated costs.**

**Mr. Burch Sweeney, 3605 Heritage Road, S. W., advised that Victory Stadium is approximately 58 years old; the last big time college football game, VMI and VPI, was played in Roanoke about 33 years ago and there is nothing that will entice Virginia Tech to leave Lane Stadium and come back to Roanoke. He stated that society and entertainment venues, in general, have changed over the years; in the past, Roanoke could fill 25,000 seats in Victory Stadium, but that cannot be done in today's world because concert promoters will not come to Roanoke, especially during the summer season; and most concerts in major cities are held in outdoor venues that are true amphitheaters. He added that the City of Roanoke should invest its money wisely and provide not only a new sports facility, but a multi-purpose facility where concerts can be held which will enable the City to offset operating costs. He stated that Roanoke's students and athletes deserve and need a new facility; those persons who fought in World War II should continue to be recognized and a new Victory Stadium would fulfill both purposes. As managers and leaders of the City, he asked that Council give Roanoke's students and citizens a new Victory Stadium, while continuing to recognize the sacrifices of the World War II generation.**

**Ms. Rebecca Sweeney, 3605 Heritage Road, S. W., spoke in support of demolishing Victory Stadium and constructing a new facility. She stated that the proposed plan, along with a playing field on the north-south axis, would best benefit those athletes and citizens that use Victory Stadium; the plan would effectively address a change in seating arrangements to 6,000 - 7,000 seats on the side opposite the amphitheater and approximately 2,000 seats on the actual amphitheater side; and along with an eight lane all weather track, the proposal would provide all citizens and specifically high school and middle school athletes with a state-of-the-art sports and concert venue.**

Mr. Ron Cronise, 4001 Lake Drive, S. W., President, Patrick Henry High School Boosters Club, reiterated the remarks of Coach Woody Deans and other representatives of the high school athletic community. He stated that he has not heard anyone say that they do not favor taking some type of action; therefore, it is requested that Council expedite the process leading to a facility that the Roanoke Valley and, in particular, the athletic community will support. He added that those items that were presented by high school athletes, their parents and other members of the Boosters Clubs are of primary concern and importance to the program; however, he asked that the matter not be delayed for another year before some action is taken. He advised that Council's serious and honest consideration and action will be greatly appreciated by the majority of Roanoke's population.

The Mayor advised that in the interest of time, no formal presentation would be made by the City Manager on the options under consideration by Council.

There being no further speakers, the Mayor declared the meeting adjourned at 8:50 p.m.

**A P P R O V E D**

**ATTEST:**

**Mary F. Parker**  
**City Clerk**

**Ralph K. Smith**  
**Mayor**

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**REGULAR WEEKLY SESSION----ROANOKE CITY COUNCIL**

**February 17, 2004**

**2:00 p.m.**

The Council of the City of Roanoke met in regular session on Tuesday, February 17, 2004, at 2:00 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 36414-070703 adopted by Council on Monday, July 7, 2003.

**PRESENT:** Council Members M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., C. Nelson Harris, Linda F. Wyatt (arrived late), William D. Bestpitch, and Mayor Ralph K. Smith-----7.

**ABSENT:** None-----0.

**OFFICERS PRESENT:** Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by The Reverend Shadrach Brown, Jr., Pastor, Garden of Prayer No. 7 Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

**CONSENT AGENDA**

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to two requests for Closed Session.

**MINUTES:** Minutes of the regular meeting of Council held on Monday, November 17, 2003, and recessed until Friday, November 21, 2003; the Special Meeting held on Tuesday, November 25, 2003; the regular meeting held on Monday, December 1, 2003; the regular meeting held on Monday, December 15, 2003, and the regular meeting held on Monday, January 5, 2004, were before the body.

Mr. Cutler moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, and Mayor Smith-----7.

NAYS: None-----0.

COMMITTEES-PENSION: A communication from D. Duane Dixon tendering his resignation as a member of the Board of Trustees, City of Roanoke Pension Plan, effective February 2, 2004, was before the Council.

Mr. Cutler moved that the resignation be accepted. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, and Mayor Smith-----7.

NAYS: None-----0.

COMMITTEES-INDUSTRIES: A report of qualification of Linda D. Frith and Allen D. Williams as Directors of the Industrial Development Authority, was before Council.

Mr. Cutler moved that the report of qualification be received and filed. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

PURCHASE/SALE OF PROPERTY-CITY COUNCIL-CITY PROPERTY: A communication from the City Manger requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Cutler moved that Council concur in the request of the City Manager to convene in a Closed Meeting as above described. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

**AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----7.**

**NAYS: None-----0.**

### **REGULAR AGENDA**

**PUBLIC HEARINGS: NONE.**

**PETITIONS AND COMMUNICATIONS:**

**ROANOKE ARTS COMMISSION: Mark C. McConnel, Chair, Roanoke Arts Commission, presented an update on the public arts planning process.**

**He advised that:**

- **The arts contributed \$849 million in revenues for Virginia businesses, plus \$342 million in revenues for Virginia tourism businesses, through spending by out-of-state visitors.**
- **In 1999 alone, \$324,717.00 in admissions and payroll taxes were paid in the City of Roanoke by arts organizations.**
- **In 1999, a Virginia Tech study concluded that the net total direct output of the arts in Roanoke was \$15 million, with an extended effect of \$24.2 million.**
- **An initiative is already in place for the Percent for Arts Program.**
- **One per cent of the capital projects budget, except sidewalks and sewers, is allocated for public art.**
- **Funding for arts is tied directly to the physical growth of the City.**
- **Well coordinated guidelines are now in place for program implementation.**
- **Art, which is tied to the Public Arts Plan, was requested by Council.**
- **In establishing plan design for the Public Arts Plan, the Arts Commission researched and evaluated 25 existing public arts plans from cities similar to Roanoke; interviewed over 12 City leaders to determine the best methodology for the study, met with staff of the Parks and Recreation Department to review their study process, solicited input from planning specialists, involved public groups, reviewed placement of art in all areas of the City, topological diversity,**



creation of exterior spaces for performance art, identified additional sources for funding - leverage City funds, adjunct to the Comprehensive City Vision Plan, maximize economic development impact, and public consensus.

Mr. McConnell stated that the following are needed to create a Public Arts Plan for arts in the City of Roanoke:

- Disperse allocation, of approximately \$60,000.00 to fund the study.
- Secure the services of an Arts Planning Specialist.
- Employ one staff person for nine months (maximum).
- Intense public and Council involvement.

Council Member Cutler inquired about the potential impact of using \$60,000.00 from the Percent for Arts Program for the study, and the status of art in general in City buildings.

Mr. McConnell responded that establishing a Public Art Plan that the entire City and all of its neighborhoods and public bodies can buy into is worth more than individual pieces of public art. He advised that a public art plan is a way to demonstrate to corporate sponsors and to matching grant entities the City's direction in regard to public art which will mean even more public art for the City of Roanoke over the long term.

Question was raised as to whether the Roanoke Arts Commission would like to have a member of the City staff assigned as liaison to the Commission; whereupon, Mr. McConnell advised that the Public Art Plan will direct whether there will be a continuing relationship, and a review of how the public art component of the City of Roanoke interfaces with City staff will determine where the connection is needed, whether it be in the Parks and Recreation Department, or the City Planning Department, or the City Manager's Office, etc.

Council Member Cutler encouraged that the study encompass a band shell in downtown Roanoke for regular band concerts.

Council Member Fitzpatrick moved that Council authorize the expenditure of up to \$60,000.00 from the Percent for Arts allocation for development of a Public Art Plan. The motion was seconded by Mr. Cutler.

Council Member Wyatt expressed concern with regard to a commission or adjunct to City government hiring its own employee(s), and the position of the City of Roanoke in that type of relationship; whereupon, Mr. McConnell advised that the individual would be a contract employee for nine months, and the art plan will require periodic updates which will not require staff.

Ms. Wyatt expressed further concern that certain contractual questions need to be answered by the City Manager before she could vote to allocate \$60,000.00 for a Public Art Plan.

Council Member Bestpitch also advised that input by City staff is needed before he could vote to approve the expenditure of up to \$60,000.00 for the Public Art study. He suggested a study of exterior spaces for performing art and referenced the ability to terrace Elmwood Park. He stated that a natural amphitheater currently exists, but the experience of attending activities in Elmwood Park would be enhanced considerably in a level area, staggered at varying intervals to fit in with the park's natural contour.

Vice-Mayor Harris advised that Council could approve the request of the Roanoke Arts Commission for allocation of up to \$60,000.00 in concept, and after the necessary details have been worked out, the City Manager could submit the appropriate measure to Council for consideration and adoption.

Mr. Fitzpatrick amended his motion to provide that the allocation of up to \$60,000.00 for a Public Art Plan will be subject to report by the City Manager. Mr. Cutler concurred in the amendment to the motion.

The motion, as amended, was unanimously adopted.

**ROANOKE CIVIC CENTER-HOCKEY:** Ms. Christy Lovelace appeared before Council as a citizen of the City of Roanoke and a fan of the Roanoke Express hockey team. She spoke in regard to keeping the Roanoke Express in the Roanoke Valley for at least another three years and presented a petition of support signed by citizens of the City of Roanoke and surrounding areas. She called attention to a number of citizens and businesses who have committed to purchasing season tickets for the 2004-05 season, or sponsoring the Roanoke Express at \$1,500.00 or more.

#### **REPORTS OF OFFICERS:**

**CITY MANAGER:**

**BRIEFINGS:**

**INDUSTRIES-RIVERSIDE CENTRE:** The Mayor announced that a update on the Riverside Centre for Research and Technology would be held at the conclusion of the Council meeting.

**ITEMS RECOMMENDED FOR ACTION:**

**CITY CODE-EROSION/SEDIMENT CONTROL-WATER RESOURCES:** The City Manager submitted a communication advising that in late 2003, the Department of Conservation and Recreation (DCR) of the Commonwealth of Virginia undertook an audit of the City's Erosion and Sediment Control and Stormwater Regulations and Programs; the audit is undertaken of all localities in the Commonwealth of Virginia on an ongoing basis; as a part of the review, various components of the City's existing Erosion and Sediment Control regulations and Stormwater regulations were requested by DCR to be updated to more closely reflect recent changes in the State Code; and the recommended changes to the City Code will enable City Code provisions to be in concert with specific language as contained in State regulations.

It was further advised that revisions to the Erosion and Sediment Control Ordinance as proposed for adoption will affect Sections 11.1-5 and 11.1-6; as is the City's current policy, the name of the responsible land disturber to be identified prior to any land disturbing activities will be required; and with regard to construction of single family residences, a responsible land disturber must be named if a violation occurs, and utilities such as gas, electric, and telephone are required to file general erosion and sediment control plans directly with the State.

It was explained that revisions to the Stormwater Management Ordinance as proposed for adoption provide verbiage recommended by DCR to clarify the existing ordinance; the affected sections are 11.2-8, 11.2-9 and 11.2-10; clarification for runoff calculations of pre-development conditions will be incorporated; the Virginia Stormwater Handbook and Virginia Stormwater Law and Regulations are referenced directly in connection with Roanoke's water quality recommendations; and outfalls not only need to have adequate channels, but the use of any velocity dissipaters will be required as necessary.

The City Manager recommended that Council adopt ordinances amending the Erosion and Sediment Control and Stormwater Management Ordinances, Chapter 11.1 and 11.2 of the Code of the City of Roanoke (1979).

Mr. Cutler offered the following ordinance:

(#36617-021704) **AN ORDINANCE** amending and reordaining §11.1-5, Land disturbing permit requirements, and §11.1-6, Erosion and sediment control plan, of Chapter 11.1, Erosion and Sediment Control, of the Code of the City of Roanoke (1979), as amended, to conform the City Code with State requirements; and dispensing with the second reading by title of this ordinance.  
(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Cutler moved the adoption of Ordinance No. 36617-021704. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Cutler offered the following ordinance:

(#36618-021704) AN ORDINANCE amending and reordaining §11.2-8, Quantity control Generally, §11.2-9, Same Volume, and §11.2-10, General criteria, of Article II, Technical Criteria, of Chapter 11.2, Stormwater Management, of the Code of the City of Roanoke (1979), as amended, to conform the City Code with State requirements; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Cutler moved the adoption of Ordinance No. 36618-021704. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, and Mayor Smith-----7.

NAYS: None-----0.

**NEWSPAPERS-STREETS AND ALLEYS:** The City Manager submitted a communication advising that on November 5, 2001, Ordinance No. 35640-110501 was adopted by Council permanently vacating a small portion of Salem Avenue, S.W., and the ordinance took effect ten days thereafter; as a condition of the ordinance, the petitioner (The Times-World Corporation) was required to prepare and record a subdivision plat showing the vacated portion of the street and the combination of the small portion of Salem Avenue with the adjoining parcels; the ordinance required that the plat be prepared and recorded within a period of 12 months and if the ordinance was not recorded within a period of 12 months, the measure would become null and void.

It was further advised that the applicant, The Times-World Corporation, by its attorney Daniel F. Layman, Jr., has advised that payment was made for the portion of the street that was closed, however, a plat of subdivision has not been prepared and recorded incorporating the closed street portion into the adjoining lot; therefore Mr. Layman has prepared and filed an application requesting that Ordinance No. 35640-110501 be re-enacted and amended to allow 36 months for completion and recordation of the subdivision plat.

The City Manager recommended that Council reenact and amend Ordinance No. 35640-110501, with the condition that the period of time required for satisfaction of the conditions will be revised from 12 to 36 months.

Mr. Fitzpatrick offered the following ordinance:

(#36619-021704) AN ORDINANCE amending and reordaining Ordinance No. 35640-110501; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36619-021704. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, and Mayor Smith-----7.

NAYS: None-----0.

**LEASES-PARKING FACILITIES:** The City Manager submitted a communication advising that on May 1, 1984, the City entered into a Parking Lease Agreement with 111 Franklin Road Joint Venture to lease 250 parking spaces in the Williamson Road Parking Garage, 201 Tazewell Avenue; in October 1997, the agreement was assigned to Crown Roanoke L.L.C., by Assignment and Assumption of Leases and Guarantees in connection with Crown Roanoke's purchase of the property located 111 Franklin Road; effective May 1, 2003, Crown Roanoke has requested an amendment to the Agreement to allow a reduction in the number of parking spaces from 250 to 196; and the term of the Agreement expires on June 30, 2006, but the agreement is subject to two successive ten year automatic extensions, unless Crown Roanoke notifies the City that it does not intend to extend the Agreement.

It was further advised that the reduction of 54 parking spaces will be a permanent reduction to allow the City to provide the spaces to other customers; as of May 1, 2003, the 54 spaces have been allocated to other customers; the 196 spaces, which will remain under lease to Crown Roanoke, shall be paid for by Crown Roanoke at \$65.00 per month and such rates shall be subject to further market adjustment as set forth in the original Agreement.

The City Manager recommended that she be authorized to enter into a First Amendment to the Parking Lease Agreement between the City and Crown Roanoke L.L.C., effective retroactive to May 1, 2003, to permanently reduce the number of parking spaces being provided in the Agreement from 250 to 196 and to further authorize the City Manager to take such additional action and to execute such further documents as may be reasonably necessary to provide for implementation and administration of the Amendment and Agreement.

Mr. Cutler offered the following ordinance:

(#36620-021704) AN ORDINANCE authorizing an amendment of a parking lease agreement between the City of Roanoke and Crown Roanoke L.L.C.; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Cutler moved the adoption of Ordinance No. 36620-021704. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, and Mayor Smith-----7.

NAYS: None-----0.

**BUDGET-REFUSE COLLECTION:** The City Manager submitted a communication advising that over 5,500 citizens of the Roanoke Valley have brought their hazardous household waste to six events that the City of Roanoke has coordinated since April 2000; the first five of these events were funded predominately from the capital accounts which resulted from the Consent Order with the Virginia Department of Environmental Quality and the Plan Agreement with the U. S. Environmental Protection Agency; however, the most recent event conducted in September 2003 was preformed on regional basis to fulfill a requirement of each jurisdiction's Virginia Pollutant Discharge Elimination System (VPDES) Stormwater Quality Improvement Program; and the neighboring jurisdictions provided both staff and financial resources for the September 2003 event which totaled over \$78,000.00.

The following is a breakdown of each jurisdiction's monetary commitment to the September 2003 Household Hazardous Waste Collection Day:

Salem	\$ 3,373.00	008-660-9783-9794
Roanoke County	\$19,650.00	008-660-9783-9793
Vinton	\$ 1,088.00	008-660-9783-9796
Botetourt County	\$ 4,177.00	008-660-9783-9797
	<u>\$28,288.00</u>	

The City Manager recommended Council appropriate revenue totaling \$28,288.00 representing revenues received from other jurisdictions as above described, and appropriate same to Household Hazardous Waste Day, Account No. 008-660-9783-8999, in the Capital Projects Fund.

Mr. Dowe offered the following ordinance:

**(#36621-021704) AN ORDINANCE to establish revenue estimates and to appropriate funding for the September 2003 Household Hazardous Waste Collection Day, amending and reordaining certain sections of the 2003-2004 Capital Projects Fund Appropriations and dispensing with the second reading by title of this ordinance.**

**(For full text of Ordinance, see Ordinance Book No. 68.)**

**Mr. Dowe moved the adoption of Ordinance No. 36621-021704. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:**

**AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, and Mayor Smith-----7.**

**NAYS: None-----0.**

**ENVIRONMENTAL POLICY: The City Manager submitted a communication advising that the U. S. Environmental Protection Agency (EPA) has determined that levels of ozone in the Roanoke Valley area sometimes exceed acceptable limits by a small margin; over the last five years, the number of days the acceptable ozone limit has been exceeded has averaged four days each summer; in 2002, local governments in the Roanoke Valley areas, through the Roanoke Valley Area Metropolitan Planning Organization (MPO), entered into an Early Action Compact (EAC) with the EPA; the Compact allowed the Roanoke Valley area, in conjunction with the Virginia Department of Environmental Quality (VDEQ) and the EPA, to develop an Ozone Early Action Plan (EAP) to reduce excessive ozone levels by 2007; and Council approved participation in the EAC pursuant to Resolution No. 36186-121602.**

**It was further advised that since the Compact, the MPO has coordinated development of the EAP with representatives of participants in the Plan, including the City of Roanoke; and strategies in the EAP for local implementation concentrate on three general targets: heavy duty diesel equipment, lawn and garden equipment, and other assorted action including public education and specific actions on high ozone days.**

**It was explained that the EAP includes actions and obligations the City of Roanoke will be responsible for implementing and will become Federally enforceable by the EPA and VDEQ; the City of Roanoke is committed to or intends to implement the strategies and actions it is mandated by the EAP to perform, such as replacing trucks with efficient ethanol-compatible vehicles, instituting a system of greenways and bicycle lanes, increasing the tree canopy and instituting Valley Metro service to Blacksburg; other measures will be administrative, i.e.: refueling vehicles in early mornings or late afternoons, or restricting mowing on high ozone**

days; and the EAP's strategies and obligations, which will need to be continued until at least 2012 under the EAP, are not expected to require identifiable incremental costs to the City.

It was further explained that having an approved EAP allows the area to develop and pursue its own strategies to effectively address high ozone levels by 2007; the alternative to an Early Action Plan is for the Environmental Protection Agency to designate formally the area as a "non-attainment area" and mandate significant actions and prohibition on activities in the Roanoke Valley in order to attain required standards by 2009; EPA monitoring would then continue for another 20 years; and this course of action would give much less local control and would be much more burdensome to the public and to private sectors for a much longer period of time.

The City Manager advised that the Metropolitan Planning Organization adopted the EAP on January 22, 2004; all parties to the Compact, including the City of Roanoke, are requested to adopt the Plan in time to submit same to VDEQ and EPA in March; Roanoke County and the Town of Vinton have already adopted the Plan; the intention is to begin implementation of strategies in 2004 in order to enhance effectiveness in ozone reduction in 2005; and EAP strategies generally are consistent with policies and plans of the City of Roanoke and are not expected to incur additional identifiable costs.

The City Manager recommended that Council adopt and endorse the Roanoke Valley Area Ozone Early Action Plan (EAP) which will be in a form substantially similar to the EAP adopted by the Metropolitan Planning Organization, and that the City Manager be authorized to take such actions and to execute such documents as may be necessary for implementation and administration of the Ozone Early Action Plan, including any modifications to the Plan.

Mr. Cutler offered the following resolution:

(#36622-021704) A RESOLUTION endorsing and adopting the Ozone Early Action Plan for the Roanoke Valley Area.

(For full text of resolution, see Resolution Book No. 68.)

Mr. Cutler moved the adoption of Resolution No. 36622-021704. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.



## **REPORTS OF COMMITTEES:**

**COMMUNITY PLANNING:** The City Planning Commission submitted its 2003 Annual Report.

It was advised that last year, the Planning Commission officially met 15 times to consider the following:

- 21 requests to rezone property or amend proffered conditions
- 12 street and/or alley closure requests
- 9 amendments to the City's zoning ordinance
- 7 amendments to the Comprehensive Plan (Hurt Park/Mountain View/West End, Norwich, Wasena, Morningside/Kenwood, Riverdale, Gainsboro, Harrison/Washington Park, and Urban Forestry)

It was further advised that the major work effort of the Planning Commission and staff last year centered on the review and adoption of neighborhood plans and the development of a new zoning ordinance for the City of Roanoke; and it is anticipated that the following neighborhood plans will be initiated and approved during 2004: Williamson Road Area Plan, Riverland/Walnut Hills, Villa Heights, Grandin Court, and the Franklin/Colonial Corridor Plan.

It was explained that the Planning Commission's major goal for 2004 is the same as 2003 -- the adoption of a new Zoning Ordinance, which was last revised in 1987; the Planning Commission will continue to monitor progress in implementing initiatives and strategies as set forth in Vision 2001-2020; City Planning Commission members are particularly interested in working to pursue initiatives related to new housing development, village centers, redevelopment of underutilized commercial and industrial areas, and integration of City design principles for new development.

There being no questions or comments, without objection by Council, the Mayor advised that the City Planning Commission's 2003 Annual Report would be received and filed.

**BUDGET-SCHOOLS:** A communication from the Roanoke City School Board requesting appropriation of \$4,178.00, for the Expanded GED Testing Service program, was before Council.

It was advised that the funds will be used to operate a satellite GED test center at the Virginia Employment Commission and to expand testing services, with 100 per cent of the program to be reimbursed by State funds.

The Director of Finance submitted a report recommending that Council concur in the request of the School Board.

Mr. Fitzpatrick offered the following ordinance:

(#36623-021704) AN ORDINANCE to appropriate funding for GED Testing Services supported by a State grant, amending and reordaining certain sections of the 2003-2004 School Fund Appropriations and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36623-021704. The motion was seconded by Mr. Harris.

The Mayor requested an update on the GED Program; whereupon, Kenneth F. Mundy, Director of Fiscal Services, Roanoke City Public Schools, advised that the information will be forthcoming.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., advised that the School Board is requesting a \$4,178.00 appropriation by Council because the School Board has no authority to appropriate funds, therefore, how can City Council, or the City administration, ask the School Board to fund over \$200,000.00 for artificial turf for the proposed new stadium/amphitheater. She stated that the citizens of Roanoke should be given an explanation regarding the turf surface issue, total cost, etc.

Council Member Wyatt advised that artificial turf came about at the recommendation of athletic directors from the two high schools as a result of looking at different types of surface turf, and Council is attempting to be responsive to the recommendation of the athletic directors on behalf of Roanoke's students.

Council Member Bestpitch clarified that the \$4,178.00 represents State funds, and since the School Board has no authority to appropriate funds, the matter was submitted to Council for appropriation of the \$4,178.00.

Ordinance No. 36623-021704 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

**UNFINISHED BUSINESS: NONE.**

**INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.**

**MOTIONS AND MISCELLANEOUS BUSINESS:**

**INQUIRIES AND/OR COMMENTS BY THE MAYOR, VICE-MAYOR AND MEMBERS OF CITY COUNCIL:**

**ARMORY/STADIUM:** Council Member Wyatt advised that it is the responsibility of Council to listen to the voice of Roanoke's citizens, and the citizens of Roanoke spoke clearly at the Democratic "Firehouse" Primary which was held on Saturday, February 7, 2004; therefore, she stated that it behooves Council to place on hold any plans for construction of a stadium/amphitheater at the Orange Avenue/Williamson Road site to allow the incoming Council, which takes office on July 1, 2004, to address the issue. She stated that advocates of saving Victory Stadium should be given the opportunity to offer a proposal that will renovate the 25,000 seat facility at a cost of \$10 million, or less, which is the figure that proponents of saving Victory Stadium have quoted on several occasions in the past.

Ms. Wyatt moved that Council place on hold the construction of a new stadium/amphitheater at Orange Avenue/Williamson Road to allow the incoming Council, effective July 1, 2004, the opportunity to address the issue. The motion was seconded by Mr. Harris and adopted by the following vote:

**AYES: Council Members Fitzpatrick, Harris, Wyatt and Mayor Smith-----4.**

**NAYS: Council Members Cutler, Dowe and Bestpitch-----3.**

Ms. Wyatt advised that the intent of her motion is that Victory Stadium will be considered for renovation as a 25,000 seat facility, at a cost of \$10 million or less.

Discussion took place in regard to whether the intent of Ms. Wyatt's motion could, procedurally, be included in the formal motion that was adopted by Council; whereupon, the Mayor ruled that the motion, which was offered by Ms. Wyatt and adopted by Council, provides that the stadium/amphitheater construction project will be placed on hold to allow the incoming Council as of July 1, 2004, to address the issue.

Ms. Wyatt moved that Victory Stadium be considered for renovation as a 25,000 seat facility, at a cost of \$10 million or less.

The Mayor invited citizens who wished to speak to the issue to register with the City Clerk's Office during a brief recess.

**At 3:15 p.m., the Mayor declared the Council meeting in recess.**

**At 3:30 p.m., the Council meeting reconvened, with Mayor Smith presiding and all Members of the Council in attendance.**

**The Mayor advised that no persons had registered to speak during the recess.**

**Ms. Wyatt advised that after due consideration, she would withdraw her motion for consideration of the renovation of Victory Stadium as a 25,000 seat facility at a cost of \$10 million or less. She stated that the intent of her motion is clear inasmuch as those were the conditions set forth by numerous persons when they asked citizens to sign petitions in favor of saving Victory Stadium. She advised that the proponents of Victory Stadium should be held to their word and be accountable for their actions.**

**Vice-Mayor Harris advised that the action taken by Council stops discussion with the low bidder relative to construction of the stadium/amphitheater project on Orange Avenue/Williamson Road until the new Council is seated on July 1, 2004. He expressed appreciation to Ms. Wyatt for making the motion because the stadium/amphitheater project represents a high dollar item, it is an issue that is of concern to the entire community, and inasmuch as the municipal election will be held in approximately 75 days, it is appropriate to allow the incoming Council that will be seated on July 1, 2004, to have input.**

**HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.**

**COMPLAINTS: Dr. E. Jeanette Manns, 1826 10<sup>th</sup> Street, N. W., expressed concern with regard to a vehicle that was towed from the yard of her private residence under provisions of the City's inoperable motor vehicle ordinance. She advised that her constitutional rights as a low/moderate income citizen have been violated.**

**ARMORY/STADIUM: Mr. Brian J. Wishneff, 2913 Wycliffe Avenue, S. W., expressed appreciation to Ms. Wyatt for making the motion to place on hold the stadium/amphitheater project until the new Council is seated on July 1, 2004. He stated that he was one of the proponents who quoted the figure of \$10 million to renovate Victory Stadium, and, if elected to Council, he will continue to advocate a \$10 million renovation of Victory Stadium.**

**Mr. Sherman Lea, 1638 Lonna Drive, N. W., expressed appreciation to Ms. Wyatt for making the motion and to the members of Council who supported the motion to allow the stadium/amphitheater project to be deferred until the new Council takes office on July 1, 2004.**

**Mr. E. Duane Howard, 508B Walnut Avenue, S. W., expressed appreciation to Ms. Wyatt for making the motion to hold in abeyance the construction of a new stadium/amphitheater until the new Council is seated on July 1, 2004. He referred to the importance of elected officials listening to the wishes of the citizens of Roanoke, and advised that over 7000 signatures were submitted on a petition in support of saving Victory Stadium, but it took only 2000 citizens to cast their vote at the Democratic "Firehouse" Primary on Saturday, February 7, 2004, to make a difference. He stated that there should be no set dollar amount when it comes to saving Victory Stadium; Victory Stadium should be looked at like a loved one who is on life support – the family wants to save the loved one if possible, but there may come a time when it is necessary to let the loved one go. He requested that the City engage the services of the best structural engineer that money can buy to render an unbiased opinion and based upon that opinion, a decision should be made on the fate of Victory Stadium.**

#### **CITY MANAGER COMMENTS:**

**ROANOKE CIVIC CENTER:** The City Manager advised that in response to recent remarks by a citizen indicating that there were only a "hand full" of events scheduled at the Roanoke Civic Center during the month of February, she reported that 24 events are scheduled in February, ten of which represent the Roanoke Express and the Roanoke Dazzle, and 28 events are scheduled in the month of March. She stated that the Civic Center is alive and well and is an active facility.

**At 3:45 p.m., the Mayor declared the Council meeting in recess to be immediately reconvened in the Council's Conference Room, for a briefing on the Riverside Centre for Research and Technology.**

**The Council meeting reconvened in the Council's Conference Room at 3:50 p.m.**

**INDUSTRIES-RIVERSIDE CENTRE:** The City Manager welcomed Dr. Edward Murphy, CEO, Carilion Medical Center, and representatives of the Carilion Bio Medical Institute and Hayes, Seay, Mattern and Mattern. She advised that approximately four years ago, the City of Roanoke executed a performance agreement with Carilion Medical Center and the Bio Medical Institute for redevelopment of a significant portion of the area that is bordered by Reserve Avenue, Jefferson Street and Franklin Road, S. W., and she was pleased to introduce an update on the progress of activity in which the City has worked as a partner with the Roanoke Redevelopment and Housing Authority to acquire all of the property, with one exception, in Phase I and Phase IA. She advised that the

project has proceeded to the point of unveiling the master plan for Phase I and development of Phase I under terms of the performance agreement which is the responsibility of Carilion. She added that the briefing will also include plans for the first building to occupy the site; the project is on schedule in keeping with the original time frame anticipating that it will be several years before all property is acquired, demolished and occupants relocated to other sites, and the original schedule calls for the Bio Medical Institute to physically occupy the site by June or July 2005. She called attention to the need for minor revisions to the performance agreement.

Dr. Murphy advised that part of Carilion's responsibility to the project is completion of the master facility plans for the site. He introduced Briggs Andrews, Attorney; Curtis Mills, Project Manager; Daniel Barchi, President, Carilion Bio Medical Institute; and Steve Garrett and Mike Brennan representing Hayes, Mattern and Mattern, to present schematic designs for the rendering of the first building to be constructed. He asked that Council remain flexible in regard to building design elements because this far out from occupancy, it is difficult to obtain space commitments. He advised that the Bio Medical Institute office will be located in the first building.

Mr. Brennan advised that:

- The point of departure for the Carilion development plan is the South Jefferson Redevelopment Plan, which was presented to Council for approval by the Roanoke Redevelopment and Housing Authority some time ago, and is comprised of elements with over arching regulations for land use dealing with diversity and building replacement to ensure an urban fabric to development of 70 acres of land, such as landscape treatment, parking, utilities, etc.
- Another component is design guidelines that adhere more to the three distinct districts within the redevelopment area; viz: the Jefferson Street corridor, areas known as the crossing, and the focal point of the entire development which is the campus.
- Another set of guidelines that are even more specific address the architectural design and development of the buildings within the campus, and specifically place the building around the central enclave, or green space, in order to obtain the identity of a campus and to share space in a common area.
- Buildings are arranged so as to create an urban edge to the campus as they present themselves to Jefferson Street and Reserve Avenue.

- Seven buildings in all will house a variety of uses, and buildings at the perimeter of the site are four stories high ranging in the neighborhood of 100,000 - 150,000 square feet.
- The site still remains in the flood plain and will be elevated out of the ten year flood plain in order to mitigate some flooding problems.
- The interior of the site has two taller buildings, with eight levels of approximately 200,000 square feet capacity each.
- A parking deck will provide parking as new buildings are constructed.
- The focal point of the campus is the central enclave, or green space, which is an elevated pedestrian plaza located at the first occupied level of all of the floors that creates an opportunity for informal gathering and interaction among occupants and provides a sense of community.
- Phase I buildings will be located at the extension of Whitmore Street at Jefferson Street, Phases 2, 3 and 4 work their way to the west to create the edge along Jefferson Street and Reserve Avenue, and Phase 5 buildings will be located in the South Jefferson/Reserve Avenue area.
- During implementation of initial phases, a significant gesture will be made toward creating a green space, a boulevard will be provided for internal vehicle circulation, landscaped with trees, and a decorative pavement that announces the entrance way and pathways.
- Buildings have communication at the ground level with the sidewalk at the street for integration into the urban fabric of the area.
- As future buildings displace parking, there will be a need for structure parking.
- Most of the land acquisition has been completed, and a parcel of land is held private that the owner would like to maintain for a development opportunity.
- Phase I building at the intersection of Whitmore Street is approximately a 25,000 square foot footprint at ground level, and parking consisting of approximately 325 spaces is located adjacent to the building.
- The actual area of development is larger than is needed in order to accommodate storm water management requirements, and storm water management for the entire development will be addressed through a future storm water detention pond near the hotel.

- Preliminary sketches were presented of the exterior elevation.
- The buildings represent prescriptive guidelines of the master plan – the master plan requires that the buildings at Jefferson Street and Reserve Avenue maintain a character that is in keeping with existing architecture in the area.
- The master plan anticipates an opportunity to create differing identities as the buildings present themselves in the enclave and to be more expressive of their technique.
- In anticipation of an elevated enclave, the buildings are required to have inclusion of an element that anticipates front entry.

Council Member Cutler advised that unless parking, restaurants and other kinds of amenities are provided that will appeal to employees at lunch time and breaks, etc., there will not be a reason to go toward Jefferson Street or Reserve Avenue because ultimately, most of the activity provided by the complex will be internal to the facility. He stated that the challenge to the City is to ensure that whatever takes place between Reserve Avenue and the river at Jefferson Street and Franklin Road is attractive enough to compliment what is being done on the other side of Reserve Avenue and cause the area to be an attractive place for use by employees of the complex. He encouraged implementation of as many innovative storm water management opportunities as possible, such as rain gardens and other water features, etc.

Council Member Fitzpatrick advised that he prefers the design that faces in, and the issue that is not addressed in the elevation drawing is the treatment of Jefferson Street which is the most important access point. He called attention to continuing discussions with regard to the operation of a street car to connect the hospital with downtown Roanoke and Carilion's downtown complex. He requested that consideration be given to a wider space between Jefferson Street and the start of the building, lighting, and certain other pedestrian amenities.

Dr. Murphy pointed out that Mr. Fitzpatrick raised some fair and valid points; however, he asked that Council look at the design in terms of schematics. He advised that the project is in its early stages and Carilion would use the input of Council and City staff to prepare a design that is pleasing. He stated that although curb appeal is important, the project will work only if third parties occupy the building; Carilion is committed to proceeding with the project and wishes to work with the City; it is necessary to effect the transfer of the initial site in order to proceed with the first building that require acquisition of all of the properties; and there have been discussions with regard to accelerating the purchase of Site A to help with the cash flow question for the remainder of acquisition. He expressed support in regard to whatever decision is made so long as the decision is timely and within the constraints of the performance agreement.



The City Manager advised that design guidelines can be revisited, if necessary; the first building will set the standard for what will ultimately happen; Carilion has committed to the development of the entire Phase I as shown on the master plan which does not necessarily mean that Carilion will build or occupy all of the buildings, but Carilion is responsible for ensuring that development takes place; and other parties may actually construct buildings and establish businesses, but it is important that the design follow whatever character is initiated with the first building. She called attention to the need to acquire the last piece of property which will, in large measure, determine the time line because the sooner the property is available, the more quickly Carilion will be able to reach a more final design of the building and provide a timetable for occupancy. She advised that the Bio Medical Institute will be one of the tenants of the first building which is a component of the original performance agreement.

The City Manager advised that with the concurrence of Council, City staff will prepare the necessary documents and required public hearing advertisements, etc., to move forward with a modification of the performance agreement that will accelerate the time line through which Carilion will purchase all of the properties through the Roanoke Redevelopment and Housing Authority.

By consensus, the Council concurred in the City Manager's remarks.

At 4:45 p.m., the Council convened in Closed Session in the Council's Conference Room.

At 5:15 p.m., the Council meeting reconvened in the City Council Chamber, with all Members of the Council in attendance, Mayor Smith presiding.

COUNCIL: Mr. Bestpitch moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

At 5:18 p.m., the Council meeting was declared in recess until 7:00 p.m., in the Council Chamber.

At 7:00 p.m., on Tuesday, February 17, 2004, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding.

**PRESENT:** Council Members M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., C. Nelson Harris, Linda F. Wyatt, William D. Bestpitch and Mayor Ralph K. Smith-----7.

**ABSENT:** None-----0.

**OFFICERS PRESENT:** Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with prayer by Council Member Alfred T. Dowe, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

**PRESENTATIONS AND ACKNOWLEDGEMENTS: NONE.**

**PUBLIC HEARINGS:**

**ZONING:** Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Tuesday, February 17, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request to rezone a tract of land located at 739 Townside Road, S. W., containing 3.77 acres, more or less, identified as Official Tax No. 5490307, from C-2, General Commercial District, and C-2, General Commercial District, with conditions, to LM, Light Manufacturing District, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, January 30, 2004 and Friday, February 6, 2004.

The City Planning Commission submitted a written report advising that the petitioner requests the rezoning of the subject parcel to LM, Light Manufacturing District, for the purpose of developing mini-warehouses as a use by right.

The Planning Commission recommended that Council approve the request for rezoning, as amended.

Mr. Dowe offered the following ordinance:

**(#36624-021704) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 549, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; subject to certain conditions proffered by the applicant; and dispensing with the second reading by title of this ordinance.**

**(For full text of Ordinance, see Ordinance Book No. 68.)**

**Mr. Dowe moved the adoption of Ordinance No. 36624-021704. The motion was seconded by Mr. Cutler.**

**Keith Hummer appeared before Council as spokesperson for the petitioner.**

**The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.**

**There being no discussion or comments by Council Members, Ordinance No. 36624-021704 was adopted by the following vote:**

**AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, and Mayor Smith-----7.**

**NAYS: None-----0.**

**ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Tuesday, February 17, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of LSW-HMW Family Limited Partnership, to rezone a tract of land located at 622 Huntington Boulevard, N. E., containing 1.630 acre, more or less, identified as Official Tax No. 3280102, from CN, Neighborhood Commercial District, to LM, Light Manufacturing District, the matter was before the body.**

**Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, January 30, 2004, and Friday, February 6, 2004.**

**The City Planning Commission submitted a written report advising that the subject parcel of land consists of 1.630 acre and has 206 feet of frontage on Huntington Boulevard; and the purpose of the request for rezoning is to allow for continued use of the property in a manner for which the existing structure was designed and for which the structure has historically been used.**

It was further advised that a Second Amended Petition was filed by the petitioner in which a mini-warehouse would be deleted as a permitted use on the subject property; and with appropriate use limitations and prohibition of outdoor storage, as contained in the Second Amended Petition for rezoning, the LM rezoning of the subject property is deemed appropriate.

The City Planning Commission recommended that Council approve the request for rezoning.

Mr. Dowe offered the following ordinance:

(#36625-021704) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 328, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; subject to certain conditions proffered by the applicant; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36625-021704. The motion was seconded by Mr. Fitzpatrick.

Daniel F. Layman, Jr., Attorney, representing the petitioner, appeared before Council in support of the request of his client.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or comments by Council Members, Ordinance No. 36625-021704 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, and Mayor Smith-----7.

NAYS: None-----0.

NEIGHBORHOOD ORGANIZATIONS-ROANOKE VISION, COMPREHENSIVE DEVELOPMENT PLAN: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Tuesday, February 17, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposed amendment to Vision 2001-2020, the City's Comprehensive Plan, to include the Gilmer Neighborhood Plan, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, January 30, 2004 and in *The Roanoke Tribune* on Thursday, February 5, 2004.

The City Planning Commission submitted a written report advising that through the planning process, seven major issues were identified:

- Preserving neighborhood character
- Neighborhood appearance
- Providing jobs, goods, and services in the neighborhood
- Providing community facilities
- Industrial encroachment
- Numerous vacant lots
- Safety

In response to the issues, priority recommendations include:

- Implementing the Neighborhood Design District throughout the neighborhood; the Plan also provides architectural guidelines that can supplement NDD regulations.
- Developing and beautifying neighborhood gateways
- Providing for neighborhood commercial development
- Developing community centers and parks
- Implementing a future land use plan (and corresponding zoning patterns) to reduce industrial-residential conflicts.
- Continue development of appropriately designed infill housing.
- Implementing crime prevention activities.

The City Planning Commission recommended that Council adopt the Gilmer Neighborhood Plan as a component of Vision 2001-2020, the City's Comprehensive Plan.

Mr. Dowe offered the following ordinance:

(#36626-021704) AN ORDINANCE approving the Gilmer Neighborhood Plan, and amending Vision 2001-2020, the City's Comprehensive Plan, to include the Gilmer Neighborhood Plan; and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36626-021704. The motion was seconded by Mr. Cutler.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or comments by Council Members, Ordinance No. 36626-021704 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Fitzpatrick advised that the report of the City Planning Commission indicates that City Planning staff worked with Hill Studio throughout the planning process to ensure consistency with Vision 2001-2020 and a consistent policy/action format; whereupon, he asked that the record reflect that his son is employed by Hill Studio.

**STREETS AND ALLEYS:** Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Tuesday, February 17, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City of Roanoke that a 24-foot wide alley running in an easterly direction from Franklin Road, S. W., for a distance of approximately 129 feet and lying between parcels bearing Official Tax Nos. 1020304 and 1020310; and closure of a ten-foot wide alley running in a northerly direction from said 24-foot wide alley, be permanently vacated, discontinued and closed, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, January 30, 2004, and Friday, February 6, 2004.

The City Planning Commission submitted a written report advising that the petitioner requests closure and vacation of the two paper alleys to construct a facility for the Department of Fire/EMS; and the City of Roanoke owns all of the adjoining property.

The City Planning Commission recommended that Council approve the request to vacate, discontinue and close the subject alleys, subject to certain conditions as more fully described in the report.

Mr. Dowe offered the following ordinance:

(#36627-021704) AN ORDINANCE permanently vacating, discontinuing and closing a certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36627-021704. The motion was seconded by Mr. Harris.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

The being no discussion or comments by Council Members, Ordinance No. 36627-021704 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

SPECIAL PERMITS: Pursuant to action by the Council, the City Clerk having advertised a public hearing for Tuesday, February 17, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposed encroachment of an awning into the public right-of-way at 105 S. Jefferson Street, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, February 6, 2004.

The City Manager submitted a communication advising that Bridget B. and Hugh A. Meagher, owners of 105 S. Jefferson Street, have requested permission for a tenant (applicant) to install an awning that will create an encroachment into the public right-of-way of South Jefferson Street; the revocable encroachment will extend approximately 48 inches into the right-of-way of South Jefferson Street, at a height above the sidewalk of 8'9"; the right-of-way of Jefferson Street at this location is approximately 59 feet in width; and liability insurance and indemnification of the City by the applicant shall be provided, subject to approval of the City's Risk Manager.

The City Manager recommended that Council adopt an ordinance, to be executed by the property owners and recorded in the Clerk's Office of the Circuit Court for the City of Roanoke, granting a revocable license to Bridget B. and Hugh A. Meagher, property owners at 105 S. Jefferson Street, to allow installation of an awning encroaching into the right-of-way of South Jefferson Street.

Mr. Cutler offered the following ordinance:

(#36628-021704) AN ORDINANCE granting a revocable license to permit the encroachment of an awning at a minimum height above the sidewalk of eight feet (8') and nine inches (9"), extending approximately forty-eight inches (48") into the public right-of-way of South Jefferson Street, from property bearing Official Tax No. 1011124, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Cutler moved the adoption of Ordinance No. 36628-021704. The motion was seconded by Mr. Dowe.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or comments by Council Members, Ordinance No. 36628-021704 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.



**APPALACHIAN POWER COMPANY:** Pursuant to action of the Council, the City Clerk having advertised a public hearing for Tuesday, February 17, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the proposed conveyance of a 20-foot wide easement to Appalachian Power Company across City-owned property located at the Roanoke Academy for Mathematics and Science, to provide underground electric service, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, February 6, 2004.

The City Manager submitted a communication advising that Appalachian Power Company has requested a 20-foot wide underground utility easement across City owned property identified as Official Tax Nos. 2340104 and 2340108 to extend an existing power line on the site to provide underground electric service to the facility.

The City Manager recommended, following the public hearing, that she be authorized to execute the appropriate documents granting the above described easement to Appalachian Power Company, to be approved as to form by the City Attorney.

Mr. Cutler offered the following ordinance:

(#36629-021704) AN ORDINANCE authorizing the granting of a twenty-foot wide easement for the extension of existing electric power service on City-owned property, identified by Official Tax Nos. 2340104 and 2340108, to Appalachian Power Company d/b/a American Electric Power ("AEP"), for the purpose of providing underground electric service to the Roanoke Academy for Mathematics and Science, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Cutler moved the adoption of Ordinance No. 36629-021704. The motion was seconded by Mr. Fitzpatrick.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or comments by Council Members, Ordinance No. 36629-021704 was adopted by the following vote:

**AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----7.**

**NAYS: None-----0.**

**OTHER BUSINESS: NONE.**

**HEARING OF CITIZENS UPON PUBLIC MATTERS:** The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

**TRAFFIC-SIDEWALKS/CURB AND GUTTER-COMPLAINTS:** Mr. Chris Craft, 1501 East Gate Avenue, N. E., spoke with regard to traffic calming in the area of Masons Mill Road and Hollins Road, N. E., specifically during peak traffic hours; and repair of a City sidewalk (no location was provided).

He expressed appreciation to Ms. Wyatt for offering the motion to place the stadium/amphitheater project on hold until the new Council takes office on July 1, 2004.

**ARMORY/STADIUM-ROANOKE GAS COMPANY:** Ms. Angela Norman, 1731 Michael Street, N. W., expressed appreciation to Ms. Wyatt for offering the motion to halt construction of the new stadium/amphitheater until the incoming Council takes office on July 1, 2004.

She requested that Council investigate any means to address escalating gas heating bills for Roanoke's citizens, specifically elderly citizens and those persons living on a fixed income.

**COMPLAINTS-CITY GOVERNMENT-CITY EMPLOYEES:** Mr. Robert Gravely, 729 Loudon Avenue, N. W., spoke with regard to the City of Roanoke as a whole and the City's work force.

There being no further business, the Mayor declared the meeting adjourned at 7:30 p.m.

**APPROVED**

**ATTEST:**

**Mary F. Parker  
City Clerk**

**Ralph K. Smith  
Mayor**

-----



**RALPH K. SMITH**  
Mayor

**CITY OF ROANOKE  
OFFICE OF THE MAYOR**

215 CHURCH AVENUE, S.W., ROOM 452  
ROANOKE, VIRGINIA 24011-1594  
TELEPHONE: (540) 853-2444  
FAX: (540) 853-1145

March 15, 2004

The Honorable Vice-Mayor and Members  
of the Roanoke City Council  
Roanoke, Virginia

Dear Members of Council:

This is to request a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph K. Smith". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Ralph K. Smith  
Mayor

RKS:snh



**CITY OF ROANOKE  
OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591  
Telephone: (540) 853-2333  
Fax: (540) 853-1138  
CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

March 15, 2004

The Honorable Mayor and Members  
of City Council  
Roanoke, Virginia

Subject: Request for closed meeting

Dear Mayor Smith and Council Members:

This is to request that City Council convene a closed meeting to discuss the acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to §2.2-3711.A.3, of the Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in black ink, reading "Darlene L. Burcham". The signature is fluid and cursive, with the first name "Darlene" and last name "Burcham" clearly distinguishable.

Darlene L. Burcham  
City Manager

DLB/f

c: William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Mary F. Parker, City Clerk



**WILLIAM M. HACKWORTH**  
CITY ATTORNEY

**CITY OF ROANOKE**  
**OFFICE OF CITY ATTORNEY**  
464 MUNICIPAL BUILDING  
215 CHURCH AVENUE, SW  
ROANOKE, VIRGINIA 24011-1595

TELEPHONE: 540-853-2431  
FAX: 540-853-1221  
EMAIL: cityatty@ci.roanoke.va.us

**TIMOTHY R. SPENCER**  
**STEVEN J. TALEVI**  
**GARY E. TEGENKAMP**  
**DAVID L. COLLINS**  
**HEATHER P. FERGUSON**  
ASSISTANT CITY ATTORNEYS

March 15, 2004

The Honorable Mayor and Members  
of City Council  
Roanoke, Virginia

Re: Request for closed meeting

Dear Mayor Smith and Council Members:

This is to request that City Council convene a closed meeting to consult with legal counsel on a matter of probable litigation, pursuant to §2.2-3711.A.7, Code of Virginia (1950), as amended.

With kindest personal regards, I am

Sincerely yours,

A handwritten signature in cursive script that reads "William M. Hackworth".

William M. Hackworth  
City Attorney

WMH:f

cc: Darlene L. Burcham, City Manager  
Mary F. Parker, City Clerk



**CITY OF ROANOKE  
OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591  
Telephone: (540) 853-2333  
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CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

March 15, 2004

The Honorable Mayor  
and Members of City Council  
Roanoke, Virginia

Dear Mayor and Members of Council:

I would like to sponsor a request from Phillip Sparks, Executive Director of Roanoke Valley Economic Development Partnership, to present to Council the 2003 Report of Economic Development Activity.

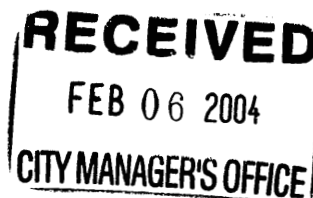
Respectfully submitted,

A handwritten signature in cursive script, reading "Darlene L. Burcham".

Darlene L. Burcham  
City Manager

DLB:sm

c: City Attorney  
Director of Finance  
City Clerk



February 5, 2004

Ms. Darlene L. Burcham  
City Manager  
City of Roanoke  
215 Church Ave., Room 364  
Roanoke, VA 24011

Dear Darlene:

In appreciation of the support City of Roanoke provides, the Roanoke Valley Economic Development Partnership would like the opportunity to present to your City Council the 2003 Report of Economic Development Activity.

The Partnership has made this annual report for several years to your City Council. Please place Phil Sparks on the agenda of the **March 15th** meeting.

Thank you for your consideration of this request.

Sincerely,

Phillip F. Sparks  
Executive Director





**CITY OF ROANOKE**  
**OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364

Roanoke, Virginia 24011-1591

Telephone: (540) 853-2333

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CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

March 15, 2004

The Honorable Mayor  
and Members of City Council  
Roanoke, Virginia

Dear Mayor and Members of Council:

I would like to sponsor a request from W. E. Roberts, President of Yellow Cab Services, to address Council on his request for an increase in taxicab rates currently charged in the City of Roanoke.

Respectfully submitted,

A handwritten signature in black ink, reading "Darlene L. Burcham".

Darlene L. Burcham  
City Manager

DLB:sm

c: City Attorney  
Director of Finance  
City Clerk



# Yellow Cab Services

1325 7<sup>th</sup> St. NE  
Roanoke, Virginia 24012

February 26, 2004

Mrs. Mary F. Parker  
City Clerk  
Municipal Building  
215 Church Ave.  
Roanoke, VA 24011

RE: Yellow Cab Services of Roanoke, Inc.  
Petition for Rate Increase

Dear Mrs. Parker:

As president of Yellow Cab Services of Roanoke, Inc., I am enclosing herewith a petition to City Council for an increase in the taxicab rates presently charged in Roanoke City.

I would appreciate your filing this petition and placing it on the agenda for City Council's next meeting.

Thanking you for your cooperation, I am  
Sincerely yours,



W.E. Roberts  
President  
Yellow Cab Services of Roanoke, Inc.

## **PETITION**

TO THE COUNCIL OF THE CITY OF ROANOKE

Yellow Cab Services of Roanoke, Inc., hereby respectfully petitions the Council for an adjustment in the rates for taxicab service and for-hire automobiles in the City of Roanoke, which rates are regulated by Council under Section 34-130 of the Code of the City of Roanoke (1979), as amended.

There has been no increase in the taxicab fares for almost four years. Because of continuing and substantial increases in the cost of doing business, your petitioner is compelled to petition Council for an adjustment in the rates for service. The proposed new rates represent an approximate fifteen (15%) increase over present rates (based on a 3 mile average trip) and are required if the cab company is to partially offset increased costs of doing business which have been experienced since Council last allowed an increase by ordinance adopted June 05, 2000.

The increased costs are dramatic: auto liability insurance rates are up over 35% since 2002; repair costs are up over 25% the last two years; fuel costs are up over 30% this year; labor costs are up over 20% the past two years, as well as many other costs that have escalated in our industry.

With very strict insurance requirements governing new drivers driving records, it has become increasingly difficult to obtain competent, responsible drivers. The requested increase will provide higher earnings to this traditionally underpaid segment of the work force. In addition, this requested increase would help our company continue to upgrade our fleet to better serve Roanoke Valley residents.

The only requested increase is as follows: (1) *An increase in the initial meter drop rate of \$1.90 to \$2.90* for the first 1/8 mile and 20 cents for each additional 1/8 mile (or fraction thereof). Since the average trip in Roanoke presently costs \$6.50 (3miles), the average increase in fare will be \$1.00 per trip, an increase of 15%; (2) No increase in waiting time charged and no increase for additional passengers.

Taxicab service in Roanoke is provided by Yellow Cab (40 vehicles), Liberty Cab Company (15) vehicles, Northwest Cab Company (1) vehicle, and Quality Taxi Company. These companies have continued to meet adequately the public's need for taxicab services in the City of Roanoke, but cannot continue to do so unless the proposed rate increases are granted.

The proposed increase in rates is in line with those proposed or in effect in major cities in Virginia. It should be noted that many cities levy extra charges not found in Roanoke (e.g., for packages, laundry, night service, etc.).


It should be further noted that the taxicab industry is not subsidized in any manner whatsoever by any governmental agency, at any level.

It is respectfully requested that the Council grant the request of this petition as expeditiously as possible.

Respectfully submitted,

Yellow Cab Services of Roanoke, Inc.

March 1, 2004

By  \_\_\_\_\_

W.E.Roberts, president

**Present Taxicab Rates in Roanoke (Since June 2000):**

<b>\$4.90</b>	<b>2 miles</b>
<b>\$6.50</b>	<b>3 miles</b>
<b>\$8.10</b>	<b>4 miles</b>

<b><u>Proposed Taxicab Rate</u></b>	<b><u>Percentage Increase</u></b>
-------------------------------------	-----------------------------------

<b>\$5.90</b>	<b>20.4%</b>
<b>\$7.50</b>	<b>15.4%</b>
<b>\$9.10</b>	<b>12.3%</b>

**Average Taxicab Trip**

<b>Distance:</b>	<b>3 mles</b>
<b>Present Cost:</b>	<b>\$6.50</b>
<b>Proposed New Cost:</b>	<b>\$7.50</b>
<b>Percentage Increase</b>	<b>15.4%</b>

## **Yellow Cab Services of Roanoke, Inc.**

### **Increase in Costs of Operations (since June, 2000)**

	<b><u>% Of Increase</u></b>	
Insurance	35%	
Wages (garage and office)	20%	
Repairs	20%	
Fuel (gas)	30%	
Miscellaneous (office, telephone, professional, utilities)	30%	

**Yellow Cab Services of Roanoke, Inc.**

**Increase in Costs of Operations (since June, 2000)**

	<b><u>% Of Increase</u></b>	
Insurance	35%	
Wages (garage and office)	20%	
Repairs	20%	
Fuel (gas)	30%	
Miscellaneous (office, telephone, professional, utilities)	30%	

February 2004 Taxicab Rate Survey

**Prince William Yellow Cab, Woodbridge, VA- Ira Cochran**

**\$3.00 1<sup>st</sup> 1/10 .15 each additional 1/10 mile**

**\$4.35 1<sup>st</sup> mile / 1.50 each additional mile**

**Black & White Cabs, Norfolk, VA-Judy Systun**

**\$1.75 1<sup>st</sup> 1/7 mile .25 each additional 1/7 mile**

**\$3.25 1<sup>st</sup> mile / 1.75 each additional mile.**

**Red Top Cab- Arlington, VA-Charlie King**

**\$2.75 1<sup>st</sup> ¼ mile .20 each additional 1/8 mile**

**\$3.95 1<sup>st</sup> mile / 1.60 each additional mile**

**Manassas Cab Company, Manassas, VA- Jim Bryant**

**\$3.00 1<sup>st</sup> 1/10 / .15 each additional mile**

**\$4.35 1<sup>st</sup> mile / 1.50 each additional mile.**

**Yellow Cab-Charlottesville, VA- Jay Graves**

**\$2.00 1<sup>st</sup> 1/10 / .25 each additional 1/6 After 6:00pm .40 per 1/6 mile**

**\$3.50 1<sup>st</sup> mile and 1/10, 1.50 each additional mile. After \$6.00 / \$2.40 each additional mile.**

**Hill City Cab-Lynchburg, VA**

**\$1.40 1<sup>st</sup> 1/9 mile, .20 each additional 1/9 mile**

**\$3.00 1<sup>st</sup> mile, 1.80 each additional mile.**

**Veteran's Cab-Richmond, VA**

**\$2.50 1<sup>st</sup> 1/5 mile, .30 each additional mile.**

**\$3.70 1<sup>st</sup> mile, 1.50 each additional mile. \$1.00 additional per trip from 9:00pm until 6:00am.**

**Yellow Cab-Roanoke, VA**

**\$1.90 1<sup>st</sup> 1/8<sup>th</sup> mile, .20 each additional mile.**

**\$3.30 1<sup>st</sup> mile, 1.60 each additional mile.**



## **CITY OF ROANOKE OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591  
Telephone: (540) 853-2333  
Fax: (540) 853-1138  
CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

**March 15, 2004**

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William E. Bestpitch, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Beverly T. Fitzpatrick, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

**Subject: Wireless E911 Funding**

Dear Mayor Smith and Members of City Council:

In 2001, the State of Virginia mandated that localities take responsibility for answering wireless E911 calls. This replaced the previous process of having all wireless calls routed to, and answered by, the State Police. The Virginia State Wireless E911 Services Board provides annual funding to localities for equipment and limited salaries to support this service. The State currently collects a monthly tax of seventy-five (75) cents assessed on each wireless telephone user to fund localities for the expenses for these services. Funding is distributed from the Wireless Services Board (WSB) to localities based on a formula which considers total wireless E911 calls as a percentage of overall E911 call volume.

In 2001, Roanoke received approximately \$250,000 from the WSB as part of a Phase I program for equipment upgrades and staff support to facilitate the transfer of wireless call services from the State to our local 911 Center.

On November 12, 2003, the Virginia State Wireless E911 Services Board awarded the City of Roanoke an additional \$78,287 as part of a Phase II service expansion. Wireless Phase II is designed to implement the technology necessary to enable 911 operators to know automatically the location of a cell phone caller using global positioning systems. Installation of the basic infrastructure to identify wireless caller locations is scheduled for completion by June of 2004. (It may be several years for




cell phones with global positioning technology to be introduced to the marketplace by wireless providers before this capability is fully utilized).

There is no requirement for matching funds for the \$78,287 grant.

**Recommended Action:**

Accept the funding from the Virginia State Wireless E911 Services Board and increase the wireless revenue by \$78,287. Appropriate \$12,500.00 to E911 Center account 001-430-4130-2044 for E911 training. Appropriate \$65,787 into the E911 upgrades for Hardware/Software account 013-430-9870-9007 for upgrades to software and hardware.

Respectfully submitted,



Darlene L. Burcham  
City Manager

DLB:je

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jessie Hall, Director of Finance  
George Snead, Assistant City Manager for Operations  
Sherman Stovall, Acting Director, Management and Budget  
John Elie, Director of Technology  
Ron Wade, E911 Center Superintendent

CM04-00046

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE appropriating funds for E911 wireless equipment and establishing a State grant, amending and reordaining certain sections of the 2003-2004 General and Department of Technology Funds Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2003-2004 General and Department of Technology Funds Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

**General Fund**

Appropriations		
Training and Development	001-430-4130-2044	\$12,500
Transfer to DOT Fund	001-250-9310-9513	65,787
Revenues		
E-911 Wireless	001-110-1234-0654	78,287

**Department of Technology**

Appropriations		
Appropriation From State Grant Funds	013-430-9870-9007	65,787
Revenues		
Transfer From General Fund	013-110-1234-1037	65,787

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



**CITY OF ROANOKE  
OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591  
Telephone: (540) 853-2333  
Fax: (540) 853-1138  
CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

March 15, 2004

The Honorable Ralph K. Smith, Mayor  
The Honorable Nelson Harris, Vice-Mayor  
The Honorable William Bestpitch, Council Member  
The Honorable Rupert Cutler, Council Member  
The Honorable Alfred Dowe, Council Member  
The Honorable Beverly Fitzpatrick, Jr., Council Member  
The Honorable Linda Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:       Roanoke Times 1984 and 2002  
              Air Rights Lease Amendments

**Background:**

In 1984 and in 2002, the City of Roanoke entered into air rights lease agreements with the Roanoke Times in order for the Times to build bridges to span Salem Avenue and Second Street, respectively. As a part of the agreements the Roanoke Times was required to post with the City bonds renewable every five years in amounts equal to an estimated cost of removing the bridges over Salem and Second Streets in case the bridges fell into disrepair and the Roanoke Times was unable to repair them. The amounts for these bonds are renewed every five years. In 2004, the amount for the Salem Avenue Bridge was adjusted to \$100,000. In 2002, the Second Street Bridge bond was set at \$250,000.

**Considerations:**

The Roanoke Times has requested that they be allowed to *either* issue five-year bonds or five-year letters of credit for these lease agreements.

Mayor Smith and Members of City Council  
March 15, 2004  
Page 2

**Recommended Action:**

Authorize the City Manager to execute amendments to the two lease agreements authorizing the Times to issue either five-year bonds or five-year letters of credit. Such agreements shall be substantially similar to attached and such forms shall be approved by the City Attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Darlene Burcham', written in a cursive style.

Darlene L. Burcham  
City Manager

DLB/sem

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Elizabeth A. Neu, Director of Economic Development

CM04-00052

**LEASE AMENDMENT BETWEEN CITY OF ROANOKE AND TIMES-WORLD CORPORATION**

THIS LEASE AMENDMENT NO\_\_\_\_, is dated this \_\_\_\_\_ day of \_\_\_\_\_, 2004, to "Lease of Air Space and Easement for Support Columns" dated February 7, 2002, by and between the **CITY OF ROANOKE, VIRGINIA**, a Virginia municipal corporation ("Lessor"), and **TIMES-WORLD CORPORATION**, a subsidiary of Landmark Communications, Inc., a Virginia corporation ("Lessee").

**WITNESSETH:**

WHEREAS, on February 7, 2002, Lessor and Lessee entered into a Lease of Air Space and Easement for Support Columns ("Lease Agreement") whereby the Lessor leased to Lessee certain air space and conveyed an easement for support columns over a portion of Second Street, S.W., located in the City of Roanoke, Virginia, for an initial term of sixty years; and

WHEREAS, the Lease Agreement requires that Lessee provide Lessor with a bond for the purpose of removing or repairing a bridge in connection with the expansion of the Roanoke Times, in the initial amount of \$250,000.00, renewable every five years;

WHEREAS, Lessee desires to amend the Lease Agreement by allowing Lessee to provide either a bond or a letter of credit renewable every five years; and

WHEREAS, it is the mutual desire of Lessor and Lessee to amend the Lease Agreement in such manner.

**NOW, THEREFORE**, in consideration of the mutual promises contained herein and in the original Lease Agreement, the Lessor and Lessee agree to amend the Lease Agreement as follows:

1. Section 10 of the Lease Agreement, "Removal of Structure," is hereby amended to read and provide as follows:

At the expiration of the Lease period, or any renewals thereof, if no agreement to the contrary has been reached, or if at any point during the Lease period or any renewals thereof, the structure within the Leased Air Space and Easement for Support Columns becomes unsafe or fails to meet the provisions of any applicable building or safety codes, and Lessee refuses or is unable to correct such structural or safety defect within a reasonable time after proper notice thereof from Lessor, Lessee agrees to demolish and remove the structure in the Leased Air Space and Easement for Support Columns solely at its own expense. All demolition and related work required for the removal of the structure in the Leased Air Space and Easement for Support Columns shall be done diligently and in conformity with all legal and safety requirements, in a good and workman-like manner, and in accordance with any reasonable standards required by the Lessor.

In order to ensure performance of Lessee's obligations as set forth above in relation to the demolition and removal of the structure within the Leased Air Space and Easement for Support Columns, solely at the expense of the Lessee, Lessee hereby agrees to obtain a performance bond or a letter of credit naming the Lessor as the obligee or insured party in the event Lessee does not demolish and remove the structure, as required by this Lease. The bond or letter of credit shall be with a reputable bonding company or reputable bank or lending institution respectively, licensed to do business in the Commonwealth of Virginia and in the initial amount of Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000.00). The bond or letter of credit shall be in force prior to the initiation of any construction within the Leased Air Space and Easement for Support Columns and shall remain in force for the term of this Lease and any renewals hereof.

The amount of the bond or letter of credit required herein shall be reviewed every five (5) years and may be increased or decreased at the time of each review to reflect the reasonable cost of demolition and removal at that time. Any increase or decrease in the amount of the bond or letter of credit shall be mutually agreed upon between the Lessor and the Lessee.

2. Except as changed or modified herein, the conditions, terms and obligations of the Lease Agreement shall remain in full force and effect as if fully stated herein, until such termination.

IN WITNESS WHEREOF, this Lease Amendment has been duly executed by the parties by their authorized representatives.

Lessor:

**CITY OF ROANOKE, VIRGINIA**

ATTEST:

By: \_\_\_\_\_  
Darlene L. Burcham, City Manager

\_\_\_\_\_  
Mary F. Parker, City Clerk

Lessee:

**TIMES-WORLD CORPORATION**

WITNESS:

\_\_\_\_\_  
Print name/title: \_\_\_\_\_

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Print name/title: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
CITY/COUNTY OF \_\_\_\_\_ ), to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2004, by Darlene L. Burcham, the City Manager of the City of Roanoke, Virginia, for and on behalf of the City.

My commission expires: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

STATE OF \_\_\_\_\_ )  
CITY/COUNTY OF \_\_\_\_\_ ), to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2004,  
by \_\_\_\_\_, the \_\_\_\_\_ the Times-World  
Corporation for and on behalf of the corporation.

My commission expires: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Approved as to Form

\_\_\_\_\_  
Assistant City Attorney

Approved as to Execution

\_\_\_\_\_  
Assistant City Attorney



**LEASE AMENDMENT BETWEEN CITY OF ROANOKE AND TIMES WORLD  
CORPORATION**

THIS LEASE AMENDMENT NO \_\_\_\_, is dated this \_\_\_\_\_ day of \_\_\_\_\_, 2004,  
to "Lease of Air Space" dated April 27, 1984, by and between the **CITY OF ROANOKE,  
VIRGINIA**, a Virginia municipal corporation ("Lessor"), and **TIMES-WORLD CORPORATION**,  
a subsidiary of Landmark Communications, Inc., a Virginia corporation("Lessee").

**W I T N E S S E T H:**

WHEREAS, on April 27, 1984, Lessor and Lessee entered into a Lease of Air Space ("Lease Agreement") whereby the Lessor leased to Lessee certain air space over a portion of Salem Avenue, S.W., located in the City of Roanoke, Virginia, for an initial term of sixty years in connection with the construction of a bridge; and

WHEREAS, the Lease Agreement required that Lessee provide Lessor with a bond in the initial amount of \$60,000.00 for the purpose of demolishing or repairing such bridge, and renewable every five years;

WHEREAS, Lessee desires to amend the Lease Agreement by allowing Lessee to provide either a bond or a letter of credit renewable every five years and revising the amount required of such bond or letter of credit to \$100,000.00 to reflect the current cost of demolition or removal of such bridge; and

WHEREAS, it is the mutual desire of Lessor and Lessee to amend the Lease Agreement in such manner.

**NOW, THEREFORE**, in consideration of the mutual promises contained herein and in the original Lease Agreement, the Lessor and Lessee agree to amend the Lease Agreement as follows:

1. Section 10 of the Lease Agreement, "Removal of Structure" is hereby amended to read and provide as follows:

At the expiration of the Lease period, or any renewals thereof, if no agreement to the contrary has been reached, or if at any point during the Lease period or any renewals thereof, the structure within the leased air space becomes unsafe or fails to meet the provisions of any applicable building or safety codes, and Lessee refuses or is unable to correct such structural or safety defect within a reasonable time after proper notice thereof from Lessor, Lessee agrees to demolish and remove the structure in the leased air space solely at its own expense. All demolition and related work required for the removal of the structure in the leased air space shall be done diligently and in conformity with all legal and safety requirements, in a good and workman-like manner, and in accordance with any reasonable standards required by the Lessor.

In order to ensure performance of Lessee's obligations as set forth above in relation to the demolition and removal of the structure within the leased air space, solely at the expense of the Lessee, Lessee hereby agrees to obtain a performance bond or a letter of credit naming the Lessor as the obligee or insured party in the event Lessee does not demolish and remove the structure, as required by this Lease. The bond or letter of credit shall be with a reputable bonding company or reputable bank or lending institution respectively, licensed to do business in the Commonwealth of Virginia and in the amount of One Hundred Thousand and 00/100 Dollars (\$100,000.00). The bond or letter of credit shall be in force prior to the initiation of any construction within the Leased Air Space and shall remain in force for the term of this Lease and any renewals hereof.

The amount of the bond or letter of credit required herein shall be reviewed every five (5) years and may be increased or decreased at the time of each review to reflect the reasonable cost of demolition and removal at that time. Any increase or decrease in the amount of the bond or letter of credit shall be mutually agreed upon between the Lessor and the Lessee. If the Lessor and the Lessee cannot agree upon a mutually satisfactory sum to cover the cost of demolition and removal or if the Lessor and Lessee cannot agree upon a mutually acceptable means for insuring that the building will be demolished or removed at no expense to Lessor if it is no longer feasible to obtain a performance bond or letter of credit, the matter will be referred to three independent arbitrators. One of these arbitrators will be chosen by the Lessor and one will be chosen by the Lessee. After being chosen, these two arbitrators shall then choose a third arbitrator, and the majority decision of the three arbitrators as to the cost of removal or manner of insuring the Lessor shall then be final and binding on the parties hereto.

2. Except as changed or modified herein, the conditions, terms and obligations of the

Lease Agreement shall remain in full force and effect as if fully stated herein, until such termination.

IN WITNESS WHEREOF, this Lease Amendment has been duly executed by the parties by their authorized representatives.

Lessor:

**CITY OF ROANOKE, VIRGINIA**

ATTEST:

\_\_\_\_\_  
Mary F. Parker, City Clerk

By: \_\_\_\_\_  
Darlene L. Burcham, City Manager

Lessee:

**TIMES-WORLD CORPORATION**

WITNESS:

\_\_\_\_\_  
Print name/title: \_\_\_\_\_

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Print name/title: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
CITY/COUNTY OF \_\_\_\_\_ ), to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2004, by Darlene L. Burcham, the City Manager of the City of Roanoke, Virginia, for and on behalf of the City.

My commission expires: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

STATE OF \_\_\_\_\_ )  
CITY/COUNTY OF \_\_\_\_\_ ), to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2004, by \_\_\_\_\_, the \_\_\_\_\_ the Times-World Corporation for and on behalf of the corporation.

My commission expires: \_\_\_\_\_.

---

Notary Public

Approved as to Form

Approved as to Execution

---

Assistant City Attorney

---

Assistant City Attorney

02C  
IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the City Manager to execute amendments to the Lease of Air Space Agreement dated April 27, 1984, and the Lease of Air Space and Easement for Support Columns, dated February 7, 2002, between the City of Roanoke and the Times-World Corporation, to permit the Times-World Corporation to issue either five-year bonds or five-year letters of credit as required by the agreements, upon certain terms and conditions, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. The City Manager and City Clerk are hereby authorized to execute and attest, respectively, on behalf of the City, in form approved by the City Attorney, amendments to the Lease of Air Space Agreement dated April 27, 1984, and the Lease of Air Space and Easement for Support Columns, dated February 7, 2002, between the City of Roanoke and the Times-World Corporation, to permit the Times-World Corporation to issue either five-year bonds or five-year letters of credit, as required by the agreements, as more particularly set forth in the City Manager's letter dated March 15, 2004, to this Council.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



Gloria P. Manns, Chairman  
 Ruth C. Willson, Vice Chairman  
 William H. Lindsey

Alvin L. Nash  
 Robert J. Sparrow  
 Kathy G. Stockburger

David B. Trinkle, M.D.  
 E. Wayne Harris, Ed.D., Superintendent  
 Cindy H. Lee, Clerk of the Board

Roanoke  
 City School Board P.O. Box 13145, Roanoke, Virginia 24031 • 540-853-2381 • Fax: 540-853-2951

March 15, 2004

The Honorable Ralph K. Smith, Mayor  
 and Members of Roanoke City Council  
 Roanoke, VA 24011

Dear Members of Council:

As the result of official School Board action at its meeting on March 2, the Board respectfully requests City Council to approve the appropriation of \$494,298.00 from the Capital Maintenance and Equipment Replacement Fund. The funds will be used for the replacement of musical instruments, the purchase of health, instructional and administrative technology equipment, the replacement of operational and grounds equipment, the purchase of district-wide furniture, roof consulting services, the installation of flooring, and the purchase of food services equipment.

Thank you for your attention to this request.

Sincerely,

Cindy H. Lee, Clerk

re

cc: Mrs. Gloria P. Manns  
 Dr. E. Wayne Harris  
 Mr. Richard L. Kelley  
 Mr. Kenneth F. Mundy

Mrs. Darlene Burcham  
 Mr. William M. Hackworth  
 Mr. Jesse A. Hall  
 Mr. Paul Workman (with  
 accounting details)



# CITY OF ROANOKE

## DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461

P.O. Box 1220

Roanoke, Virginia 24006-1220

Telephone: (540) 853-2821

Fax: (540) 853-6142

**JESSE A. HALL**

**Director of Finance**

email: jesse\_hall@ci.roanoke.va.us

**ANN H. SHAWVER**

**Deputy Director**

email: ann\_shawver@ci.roanoke.va.us

March 15, 2004

The Honorable Ralph K. Smith, Mayor  
 The Honorable C. Nelson Harris, Vice Mayor  
 The Honorable William D. Bestpitch, Council Member  
 The Honorable M. Rupert Cutler, Council Member  
 The Honorable Alfred T. Dowe, Jr., Council Member  
 The Honorable Beverly T. Fitzpatrick, Jr., Council Member  
 The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

We have reviewed the attached request to appropriate funding for the School Board. This report will appropriate the following:

- \$260,073 from the Capital Maintenance and Equipment Replacement Fund of the School Fund and \$234,225 from the School Food Services Fund balance. The funds will be used for the replacement of musical instruments, the purchase of health, instructional and administrative technology equipment, the replacement of operational and grounds equipment, the purchase of district-wide furniture, roof consulting services, the installation of flooring, and the purchase of food services equipment.

We recommend that you concur with this report of the School Board and adopt the attached budget ordinance to appropriate funding as outlined above.

Sincerely,

Jesse A. Hall  
 Director of Finance

Attachment

JAH/ctg

c: Darlene L. Burcham, City Manager  
 William M. Hackworth, City Attorney  
 Mary F. Parker, City Clerk  
 E. Wayne Harris, Superintendent of City Schools

AHS  
IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding for equipment from the Capital Maintenance and Equipment Replacement Program (CMERP) and from the School Food Service fund balance, amending and reordaining certain sections of the 2003-2004 School and School Food Service Funds Appropriations and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2003-2004 School, and School Food Service Funds Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

**School Fund**

Appropriations

Replacement - Machinery & Equipment	030-065-6006-6009-0801	\$ 18,827
Additional - Machinery & Equipment	030-065-6006-6100-0821	1,057
Additional - Machinery & Equipment	030-065-6006-6106-0821	4,155
Replacement - Data Processing		
Equipment	030-065-6006-6302-0806	95,576
Additional - Machinery & Equipment	030-065-6006-6681-0821	28,297
Additional - Furniture & Fixtures	030-065-6006-6681-0822	20,952
Additional - Machinery & Equipment	030-065-6006-6682-0821	5,986
Replacement - Other Capital Outlays	030-065-6006-6896-0809	50,000
Additional - Other Capital Outlays	030-065-6006-6896-0829	35,223

Fund Balance

Reserve for CMERP - School	030-3324	(260,073)
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**School Food Service Fund**

Appropriations

Additional - Machinery & Equipment	032-065-6006-6788-0821	234,225
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Fund Balance

Unappropriated	032-3325	(234,225)
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Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.





## **CITY OF ROANOKE OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591  
Telephone: (540) 853-2333  
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CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

**March 15, 2004**

The Honorable Ralph K. Smith, Mayor  
The Honorable Nelson Harris, Vice-Mayor  
The Honorable William Bestpitch, Council Member  
The Honorable Rupert Cutler, Council Member  
The Honorable Alfred Dowe, Council Member  
The Honorable Beverly Fitzpatrick, Jr., Council Member  
The Honorable Linda Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

**Subject:** Authorization for Issuance of  
Bonds for the development of the  
Riverside Centre for Research  
and Technology

### **Background:**

On March 19, 2001, the City of Roanoke entered into an agreement with Carilion Health System and Carilion Biomedical Institute concerning the development of the South Jefferson Redevelopment Area into a research and technology park.

The City's Capital Improvement Program includes funding of \$23.5 million for Phase I of the Riverside Centre for Research and Technology. Phase I includes development of the area north of Reserve Avenue between Jefferson Street and Franklin Road, and has the potential to house one million square feet of office space. Build out is expected to take 15-20 years for this phase of the project. Funding for Phase I is provided by the City's 2002 bond issue, sale of property and from the issuance of a future bond issue.

### **Considerations:**

The City of Roanoke Redevelopment and Housing Authority (RRHA) has been negotiating with Roanoke City Mills, Incorporated (sometimes called Mennell Mills, hereafter- RCM) to purchase RCM's property on the west (Area 1) and east side (Area 3) of Jefferson Street. The other property east of Jefferson is in Area 3, and had not been scheduled to be acquired at this time. In order to enter into an agreement with the RRHA for the purchase of the RCM property in Area 1, which is necessary for the redevelopment project to move forward, RCM has also requested that the RRHA enter

into an agreement for the purchase of the RCM property in Area 3. The additional funding needed for this property acquisition for Phase I will be provided from the issuance of the bonds mentioned below.

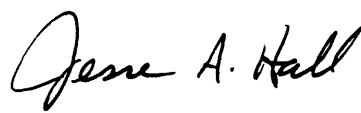
**Recommended Action:**

Adopt the accompanying resolution to authorize the sale of bonds for the South Jefferson Redevelopment Project, such bonds not to exceed \$5.5 million. This resolution includes a declaration of the City's intent to reimburse itself from the sale of such bonds.

Respectfully submitted,



Darlene L. Burcham  
City Manager



Jesse A. Hall  
Director of Finance

DLB/sem

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Elizabeth A. Neu, Director of Economic Development

CM04-00050

WMH

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

**A RESOLUTION AUTHORIZING THE ISSUANCE OF FIVE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$5,500,000) PRINCIPAL AMOUNT OF GENERAL OBLIGATIONS OF THE CITY OF ROANOKE, VIRGINIA, IN THE FORM OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF SUCH CITY, THE PROCEEDS OF WHICH ARE TO BE GRANTED BY SUCH CITY TO THE ROANOKE REDEVELOPMENT AND HOUSING AUTHORITY FOR THE PURPOSE OF ASSISTING SUCH AUTHORITY IN PAYING A PORTION OF THE COSTS OF A REDEVELOPMENT PROJECT IN THE CITY, KNOWN AS THE SOUTH JEFFERSON REDEVELOPMENT PROJECT; FIXING THE FORM, DENOMINATION AND CERTAIN OTHER DETAILS OF SUCH BONDS; PROVIDING FOR THE SALE OF SUCH BONDS; AUTHORIZING THE PREPARATION OF A PRELIMINARY OFFICIAL STATEMENT AND AN OFFICIAL STATEMENT RELATING TO SUCH BONDS AND THE DISTRIBUTION THEREOF AND THE EXECUTION OF A CERTIFICATE RELATING TO SUCH OFFICIAL STATEMENT; AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE CERTIFICATE RELATING TO SUCH BONDS; AS APPLICABLE ELECTED REPRESENTATIVE OF SUCH CITY APPROVING THE ISSUANCE OF SUCH BONDS FOR PURPOSES OF SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986; AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF A LIKE PRINCIPAL AMOUNT OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE AND SALE OF SUCH BONDS; AND OTHERWISE PROVIDING WITH RESPECT TO THE ISSUANCE, SALE AND DELIVERY OF SUCH BONDS AND NOTES.**

WHEREAS, in the judgment of the Council (the "Council") of the City of Roanoke, Virginia (the "City"), it is desirable to authorize the City to contract a debt and to authorize the issuance of \$5,500,000 principal amount of general obligations of the City in the form of General Obligation Public Improvement Bonds of the City, the proceeds of which are to be granted by the City to the Roanoke Redevelopment and Housing Authority (the "Authority") for the purpose of assisting the Authority in paying a portion of the costs of a redevelopment project in the City (the "Project") in an area known as the South Jefferson Redevelopment Project (the "Project Area"), and to authorize the issuance of a like principal amount of General

Obligation Public Improvement Bond Anticipation Notes in anticipation of the issuance of such Bonds;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA:

SECTION 1. (a) Pursuant to Chapter 26 of Title 15.2 of the Code of Virginia, 1950 (the same being the Public Finance Act of 1991), for the purpose of providing funds to be granted by the City to the Authority for the purpose of assisting the Authority in paying a portion of the costs of the Project, the City is authorized to contract a debt and to issue Five Million Five Hundred Thousand Dollars (\$5,500,000) principal amount of general obligation bonds of the City to be designated and known as the "City of Roanoke, Virginia, General Obligation Public Improvement Bonds" (referred to herein as the "Bonds").

(b) The Bonds shall be issued and sold in their entirety at one time, or from time to time in part in series, as shall be determined by the Director of Finance. There shall be added to the designation of the Bonds a series designation determined by the Director of Finance. The Bonds shall be issued in fully registered form in the denomination of \$5,000 each or any integral multiple thereof. The Bonds of a given series shall be numbered from No. R-1 upwards in order of issuance. The Bonds shall bear interest from their date payable on such date and semiannually thereafter as shall be approved by subsequent resolution of this Council. The Bonds of each series shall be issued in such aggregate principal amounts (not exceeding the aggregate principal amount specified in Section 1(a)); and shall mature on such dates and in such years (but in no event exceeding forty (40) years from their date or dates), and in the principal amount in each such year, as shall be approved by subsequent resolution of this Council. Interest on the Bonds shall be calculated on the basis of a three hundred and sixty (360) day year comprised of twelve (12) thirty (30) day months.

(c) The Bonds (or portions thereof in installments of \$5,000) may be made subject to redemption at the option of the City prior to their stated maturities, in whole or in part from time to time on any date, in such order as may be determined by the City (except that if at any time less than all of the Bonds of a given maturity are called for redemption, the particular Bonds or portions thereof in installments of \$5,000 of such maturity to be redeemed shall be selected by lot), upon payment of such redemption prices (expressed as a percentage of the principal amount of the Bonds to be redeemed), together with the interest accrued thereon to the date fixed for the redemption thereof, as shall be approved by subsequent resolution of this Council.

(d) (i) If any Bond (or any portion of the principal amount thereof in installments of \$5,000) shall be called for redemption, notice of the redemption thereof, specifying the date, number and maturity of such Bond, the date and place or places fixed for its redemption, the premium, if any, payable upon such redemption, and if less than the entire principal amount of such Bond is to be redeemed, that such Bond must be surrendered in exchange for the principal amount thereof to be redeemed and a new Bond or Bonds issued equalling in principal amount that portion of the principal amount thereof not to be redeemed, shall be mailed not less than thirty (30) days prior to the date fixed for redemption, by first class

mail, postage prepaid, to the registered owner thereof at his address as it appears on the books of registry kept by the Registrar as of the close of business on the forty-fifth (45th) day next preceding the date fixed for redemption. If notice of the redemption of any Bond shall have been given as aforesaid, and payment of the principal amount of such Bond (or the portion of the principal amount thereof to be redeemed) and of the accrued interest and premium, if any, payable upon such redemption shall have been duly made or provided for, interest thereon shall cease to accrue from and after the date so specified for the redemption thereof.

(ii) So long as the Bonds are in book-entry only form, any notice of redemption shall be given only to The Depository Trust Company, New York, New York ("DTC"), or to its nominee. The City shall not be responsible for providing any beneficial owner of the Bonds any notice of redemption.

SECTION 2. The full faith and credit of the City shall be and is irrevocably pledged to the punctual payment of the principal of and premium, if any, and interest on the Bonds as the same become due. In each year while the Bonds, or any of them, are outstanding and unpaid, this Council is authorized and required to levy and collect annually, at the same time and in the same manner as other taxes of the City are assessed, levied and collected, a tax upon all taxable property within the City, over and above all other taxes, authorized or limited by law and without limitation as to rate or amount, sufficient to pay when due the principal of and premium, if any, and interest on the Bonds to the extent other funds of the City are not lawfully available and appropriated for such purpose.

SECTION 3. (a) The Bonds shall be executed, for and on behalf of the City, by the manual or facsimile signatures of the Mayor and City Treasurer of the City and shall have a facsimile of the corporate seal of the City imprinted thereon, attested by the manual or facsimile signature of the City Clerk of the City.

(b) The Director of Finance is hereby authorized to appoint a Registrar and Paying Agent for the Bonds.

(c) The Director of Finance shall direct the Registrar to authenticate the Bonds and no Bond shall be valid or obligatory for any purpose unless and until the certificate of authentication endorsed on each Bond shall have been manually executed by an authorized signatory of the Registrar. Upon the authentication of any Bonds the Registrar shall insert in the certificate of authentication the date as of which such Bonds are authenticated as follows: (i) if a Bond is authenticated prior to the first interest payment date, the certificate shall be dated as of the date of the initial issuance and delivery of the Bonds of the series of Bonds of which such Bond is one, (ii) if a Bond is authenticated upon an interest payment date, the certificate shall be dated as of such interest payment date, (iii) if a Bond is authenticated after the fifteenth (15th) day of the calendar month next preceding an interest payment date and prior to such interest payment date, the certificate shall be dated as of such interest payment date and (iv) in all other instances the certificate shall be dated as of the interest payment date next preceding the date upon which the Bond is authenticated. In the event the Bonds of any series shall be dated as of a date other than the first day of a calendar month or the dates on which interest is payable on such series are other than the first days of calendar months, the provisions of this Section 3(c) with

regard to the authentication of such Bonds and of Section 8 with regard to the form of such Bonds shall be modified as the Director of Finance shall determine to be necessary or appropriate.

(d) The execution and authentication of the Bonds in the manner set forth above is adopted as a due and sufficient authentication of the Bonds.

SECTION 4. (a) The principal of and premium, if any, and interest on the Bonds shall be payable in such coin or currency of the United States of America as at the respective dates of payment thereof is legal tender for public and private debts at the office of the Registrar. Interest on the Bonds shall be payable by check mailed by the Registrar to the registered owners of such Bonds at their respective addresses as such addresses appear on the books of registry kept pursuant to this Section 4; *provided, however*, that so long as the Bonds are in book-entry form and registered in the name of Cede & Co., as nominee of DTC, or in the name of such other nominee of DTC as may be requested by an authorized representative of DTC, interest on the Bonds shall be paid directly to Cede & Co. or such other nominee of DTC by wire transfer.

(b) At all times during which any Bond of any series remains outstanding and unpaid, the Registrar for such series shall keep or cause to be kept at its office books of registry for the registration, exchange and transfer of Bonds of such series. Upon presentation at its office for such purpose the Registrar, under such reasonable regulations as it may prescribe, shall register, exchange, transfer, or cause to be registered, exchanged or transferred, on the books of registry the Bonds as hereinbefore set forth.

(c) The books of registry shall at all times be open for inspection by the City or any duly authorized officer thereof.

(d) Any Bond may be exchanged at the office of the Registrar for such series of Bonds for a like aggregate principal amount of such Bonds in other authorized principal sums of the same series, interest rate and maturity.

(e) Any Bond of any series may, in accordance with its terms, be transferred upon the books of registry by the person in whose name it is registered, in person or by his duly authorized agent, upon surrender of such Bond to the Registrar for cancellation, accompanied by a written instrument of transfer duly executed by the registered owner in person or by his duly authorized attorney, in form satisfactory to the Registrar.

(f) All transfers or exchanges pursuant to this Section 4 shall be made without expense to the registered owners of such Bonds, except as otherwise herein provided, and except that the Registrar for such series of Bonds shall require the payment by the registered owner of the Bond requesting such transfer or exchange of any tax or other governmental charges required to be paid with respect to such transfer or exchange. All Bonds surrendered pursuant to this Section 4 shall be cancelled.

(g) (i) The Bonds shall be issued in full book-entry form. One Bond representing each maturity of the Bonds will be issued to and registered in the name of Cede & Co., as nominee of DTC, as registered owner of the Bonds, and each such Bond will be immobilized in the custody of DTC. DTC will act as securities depository for the Bonds. Individual purchases will be made in book-entry form only, in the principal amount of \$5,000 or any integral multiple thereof. Purchasers will not receive physical delivery of certificates representing their interest in the Bonds purchased.

(ii) Principal, premium, if any, and interest payments on the Bonds will be made by the Registrar to DTC or its nominee, Cede & Co., or such other nominee as may be requested by an authorized representative of DTC, as registered owner of the Bonds, which will in turn remit such payments to the DTC participants for subsequent disbursement to the beneficial owners of the Bonds. Transfers of principal, premium, if any, and interest payments to DTC participants will be the responsibility of DTC. Transfers of such payments to beneficial owners of the Bonds by DTC participants will be the responsibility of such participants and other nominees of such beneficial owners. Transfers of ownership interests in the Bonds will be accomplished by book entries made by DTC and, in turn, by the DTC participants who act on behalf of the indirect participants of DTC and the beneficial owners of the Bonds.

(iii) The City will not be responsible or liable for sending transaction statements or for maintaining, supervising or reviewing records maintained by DTC, its participants or persons acting through such participants or for transmitting payments to, communicating with, notifying, or otherwise dealing with any beneficial owner of the Bonds.

SECTION 5. (a) CUSIP identification numbers may be printed on the Bonds, but no such number shall constitute a part of the contract evidenced by the particular Bond upon which it is printed; no liability shall attach to the City or any officer or agent thereof (including any paying agent for the Bonds) by reason of such numbers or any use made thereof (including any use thereof made by the City, any such officer or any such agent) or by reason of any inaccuracy, error or omission with respect thereto or in such use; and any inaccuracy, error or omission with respect to such numbers shall not constitute cause for failure or refusal by the successful bidder to accept delivery of and pay for the Bonds in accordance with the terms of its bid. All expenses in connection with the assignment and printing of CUSIP numbers on the Bonds shall be paid by the City; *provided, however*, that the CUSIP Service Bureau charge for the assignment of such numbers shall be the responsibility of the successful bidder for the Bonds.

(b) A copy of the final legal opinion with respect to the Bonds, with the name of the attorney or attorneys rendering the same, together with a certification of the City Clerk, executed by a facsimile signature of that officer, to the effect that such copy is a true and complete copy (except for letterhead and date) of the legal opinion which was dated as of the date of delivery of and payment for the Bonds, may be printed on the Bonds.

SECTION 6. (a) In the case of Bonds issued hereunder the interest on which is contemplated to be excluded from gross income for purposes of federal income taxation, the City covenants and agrees to comply with the provisions of Sections 103 and 141-150 of the

Internal Revenue Code of 1986 (the "Code") and the applicable Treasury Regulations promulgated thereunder throughout the term of the Bonds.

(b) (i) On March 19, 2001, the Council adopted Resolution No. 35248-031901 approving the Redevelopment Plan, dated February 5, 2001 (the "Redevelopment Plan"), prepared by the Authority.

(ii) The Bonds may be issued as "qualified redevelopment bonds" pursuant to the provisions of Section 144(c) of the Code and the Treasury Regulations promulgated thereunder.

(iii) Under the provisions of the Code, in particular Section 147(f) of the Code, the issuance of the Bonds as qualified redevelopment bonds must be approved by an "applicable elected representative" of the City after a public hearing following reasonable public notice.

(iv) In accordance with the provisions of Section 147(f) of the Code and the Treasury Regulations promulgated thereunder, a notice of public hearing was published in "*The Roanoke Times*" on March 1, 2004 and on March 8, 2004 giving notice that a public hearing on the proposed issuance of the Bonds would be held by the Council on March 15, 2004 at 7:00 P.M., local time, in the Council Chamber, Noel C. Taylor Municipal Building, 215 Church Avenue, S.W., Roanoke, Virginia 24011.

(v) The public hearing on the proposed issuance of the Bonds has been held by the Council at the time and place set forth in the notice of public hearing referred to in clause (iv), immediately prior to the adoption of this resolution.

(vi) The Council as an "applicable elected representative" of the City desires to approve the issuance of the Bonds for purposes of Section 147(f) of the Code.

(c) In accordance with the provisions of Section 144(c) of the Code, the Council hereby ratifies its approval and adoption of the Redevelopment Plan and hereby designates the Project Area as a "designated blighted area" of the City.

(d) In accordance with the provisions of Section 147(f) of the Code, the Council as an "applicable elected representative" of the City hereby approves the issuance of the Bonds.

SECTION 7. (a) The Bonds shall be sold at competitive sale on such date or dates and at such price or prices as shall be determined by the Director of Finance. The Director of Finance is hereby authorized to prepare or cause to be prepared a Summary Notice of Sale of the Bonds and to cause such Summary Notice of Sale to be published in *The Bond Buyer*, a financial journal published in the City of New York, New York, and to prepare or cause to be prepared and distributed a Preliminary Official Statement and a Detailed Notice of Sale relating to the Bonds. The Director of Finance is hereby authorized to receive bids for the purchase of the Bonds; *provided, however*, that the final details of the Bonds of each series, including the



purchase price thereof, the interest rates to be borne thereby and the premium, if any, payable upon the redemption thereof shall be approved by subsequent resolution of this Council.

(b) The Mayor is hereby authorized and directed to execute and deliver to the purchasers of the Bonds an Official Statement of the City relating to the Bonds, in substantially the form of the Preliminary Official Statement relating to the Bonds, after the same has been completed by the insertion of the maturities, interest rates and other details of the Bonds and by making such other insertions, changes or corrections as the Mayor, based on the advice of the City's financial advisors and legal counsel (including the City Attorney and Bond Counsel), deems necessary or appropriate; and this Council hereby authorizes the Official Statement and the information contained therein to be used by the purchasers in connection with the sale of the Bonds. The Preliminary Official Statement is "deemed final" for purposes of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934 ("Rule 15c2-12"). The City Manager and the Director of Finance are hereby authorized and directed to execute on behalf of the City and deliver to the purchasers a certificate in substantially the form to be included in the Official Statement under the caption "Certificate Concerning Official Statement".

(c) The City Manager and the Director of Finance are hereby authorized to execute and deliver to the purchasers of the Bonds a Continuing Disclosure Certificate relating to the Bonds evidencing the City's undertaking to comply with the continuing disclosure requirements of Paragraph (b)(5) of Rule 15c2-12 in such form as shall be approved by the City Manager and the Director of Finance upon advice of counsel (including the City Attorney or Bond Counsel), such approval to be conclusively evidenced by their execution and delivery thereof.

(d) All actions and proceedings heretofore taken by this Council, the City Manager, the Director of Finance and the other officers, employees, agents and attorneys of and for the City in connection with the issuance and sale of the Bonds are hereby ratified and confirmed.

SECTION 8. The Bonds, the certificate of authentication of the Registrar, and the assignment endorsed on the Bonds, shall be substantially the following forms set forth in Exhibit A hereto.

SECTION 9. General obligation public improvement bond anticipation notes (the "Notes") are authorized for issuance and sale by the Director of Finance in anticipation of the issuance of the general obligation bonds authorized for issuance herein. Such Notes shall be sold at competitive or negotiated sale at such price or prices and on such other terms and conditions as shall be determined by the Director of Finance. If such Notes are offered for competitive sale, a Detailed Notice of Sale or Summary Notice of Sale shall be prepared, published and distributed in accordance with the requirements of Section 7. There shall also be prepared and distributed a Preliminary Official Statement and a final Official Statement relating to such Notes in such form as shall be approved by the Director of Finance. The issuance and details of such Notes shall be governed by the provisions of Section 15.2-2628 of Title 15.2, Chapter 26, Article 2 of the Code of Virginia, 1950. The provisions of Sections 2 and 6 shall

apply to such Notes to the same extent the same apply to the Bonds except, in the case of the provisions of Section 2, only to the extent such Notes are not paid from the proceeds of the Bonds or from any other available funds. The sale of such Notes and the form and other details thereof shall be approved, ratified and confirmed by subsequent resolution of this Council. Bonds in anticipation of which such Notes are issued pursuant to this Section 9 may be issued and sold in accordance with the provisions of this Resolution at any time within five (5) years of the date of issuance of the first Notes issued in anticipation of such Bonds.

SECTION 10. The Council hereby authorizes the City to make expenditures for the purpose for which the Bonds are to be issued in advance of the issuance and receipt of the proceeds of the Bonds and to reimburse such expenditures from the proceeds of the Bonds. The adoption of this Resolution shall be considered an "official intent" within the meaning of Treasury Regulation Section 1.150-2 promulgated under the Code.

SECTION 11. The City Clerk is hereby directed to file a copy of this Resolution, certified by such City Clerk to be a true copy hereof, with the Circuit Court of the City of Roanoke, Virginia, all in accordance with Section 15.2-2607 of the Code of Virginia, 1950.

SECTION 12. All ordinances, resolutions and proceedings in conflict herewith are, to the extent of such conflict, repealed.

ATTEST:

City Clerk.

EXHIBIT A

UNITED STATES OF AMERICA  
COMMONWEALTH OF VIRGINIA  
CITY OF ROANOKE  
GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND  
SERIES \_\_\_\_\_

No. R-\_\_\_\_ \$ \_\_\_\_\_

MATURITY DATE:      INTEREST RATE:      DATE OF BOND:      CUSIP NO.:

770077

REGISTERED OWNER:

PRINCIPAL SUM:      DOLLARS

KNOW ALL MEN BY THESE PRESENTS, that the City of Roanoke, in the Commonwealth of Virginia (the "City"), for value received, acknowledges itself indebted and hereby promises to pay to the Registered Owner (named above), or registered assigns, on the Maturity Date (specified above) (unless this Bond shall be subject to prior redemption and shall have been duly called for previous redemption and payment of the redemption price duly made or provided for), the Principal Sum (specified above), and to pay interest on such Principal Sum on \_\_\_\_\_ and semiannually on each \_\_\_\_\_ and \_\_\_\_\_ thereafter (each such date is hereinafter referred to as an "interest payment date"), from the date hereof or from the interest payment date next preceding the date of authentication hereof to which interest shall have been paid, unless such date of authentication is an interest payment date, in which case from such interest payment date, or unless such date of authentication is within the period from the sixteenth (16th) day to the last day of the calendar month next preceding the following interest payment date, in which case from such following interest payment date, such interest to be paid until the maturity or redemption hereof at the Interest Rate (specified above) per annum, by check or draft mailed by the Paying Agent hereinafter mentioned to the Registered Owner in whose name this Bond is registered upon the books of registry, as of the close of business on the fifteenth (15th) day (whether or not a business day) of the calendar month next preceding each interest payment date; *provided, however*, that so long as this Bond is in book-entry only form and registered in the name of Cede & Co., as nominee of The Depository Trust Company ("DTC"), or in the name of such other nominee of DTC as may be requested by an authorized representative of DTC, interest on this Bond shall be paid directly to Cede & Co. or such other nominee of DTC by wire transfer. Interest on this Bond shall be calculated on the basis of a three hundred and sixty (360) day year comprised of twelve (12) thirty (30) day months.

The principal of and premium, if any, on this Bond are payable on presentation and surrender hereof, at the office of \_\_\_\_\_, as the Registrar and Paying Agent, in the City of \_\_\_\_\_, \_\_\_\_\_. Principal of and

premium, if any, and interest on this Bond are payable in any coin or currency of the United States of America which, on the respective dates of payment thereof, shall be legal tender for public and private debts.

This Bond is one of an issue of Bonds of like date, denomination and tenor except as to number, interest rate and maturity, and is issued for the purpose of providing funds to be granted by the City to the Roanoke Redevelopment and Housing Authority for the purpose of assisting such Authority in paying a portion of the costs of a redevelopment project in the City, known as the South Jefferson Redevelopment Project, and is issued under and pursuant to and in full compliance with the Constitution and statutes of the Commonwealth of Virginia, including Chapter 26 of Title 15.2 of the Code of Virginia, 1950 (the same being the Public Finance Act of 1991), and resolutions and other proceedings of the Council of the City duly adopted and taken under the Public Finance Act of 1991.

The Bonds of the issue of which this Bond is one (or portions thereof in installments of \$5,000) maturing on and after \_\_\_\_\_ are subject to redemption at the option of the City prior to their stated maturities, on or after \_\_\_\_\_ in whole or in part from time to time on any date, in such order as may be determined by the City (except that if at any time less than all of the Bonds of a given maturity are called for redemption, the particular Bonds or portions thereof in installments of \$5,000 of such maturity to be redeemed shall be selected by lot), upon payment of the following redemption prices (expressed as a percentage of the principal amount of the Bonds to be redeemed), together with the interest accrued thereon to the date fixed for the redemption thereof:

<u>Redemption Dates</u> <u>(Both Dates Inclusive)</u>	<u>Redemption Prices</u> <u>(Percentages of Principal Amount)</u>
_____, ____ through _____, ____	%
_____, ____ through _____, ____	
_____, ____ and thereafter	

If this Bond is redeemable and this Bond (or any portion of the principal amount hereof in installments of \$5,000) shall be called for redemption, notice of the redemption hereof, specifying the date, number and maturity of this Bond, the date and place or places fixed for its redemption, the premium, if any, payable upon such redemption, and if less than the entire principal amount of this Bond is to be redeemed, that this Bond must be surrendered in exchange for the principal amount hereof to be redeemed and a new Bond or Bonds issued equalling in principal amount that portion of the principal amount hereof not to be redeemed, shall be mailed not less than thirty (30) days prior to the date fixed for redemption, by first class mail, postage prepaid, to the Registered Owner hereof at his address as it appears on the books of registry kept by the Registrar as of the close of business on the forty-fifth (45th) day next preceding the date fixed for redemption. If notice of the redemption of this Bond (or the portion of the principal amount hereof to be redeemed) shall have been given as aforesaid, and payment of the principal amount of this Bond (or the portion of the principal amount hereof to be redeemed) and of the accrued interest and premium, if any, payable upon such redemption shall have been duly made

or provided for, interest hereon shall cease to accrue from and after the date so specified for the redemption hereof.

Subject to the limitations and upon payment of the charges, if any, provided in the proceedings authorizing the Bonds of the issue of which this Bond is one, this Bond may be exchanged at the office of the Registrar for a like aggregate principal amount of Bonds of other authorized principal amounts and of the same issue, interest rate and maturity. This Bond is transferable by the Registered Owner hereof, in person or by his attorney duly authorized in writing, on the books of registry kept by the Registrar for such purpose at the office of the Registrar but only in the manner, subject to the limitations and upon payment of the charges, if any, provided in the proceedings authorizing the Bonds of the series of which this Bond is one, and upon the surrender hereof for cancellation. Upon such transfer a new Bond or Bonds of authorized denominations and of the same aggregate principal amount, issue, interest rate and maturity as the Bond surrendered, will be issued to the transferee in exchange herefor.

This Bond shall not be valid or obligatory unless the certificate of authentication hereon shall have been manually signed by the Registrar.

The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and premium, if any, and interest on this Bond as the same become due. In each year while this Bond is outstanding and unpaid, the Council of the City is authorized and required to levy and collect annually, at the same time and in the same manner as other taxes of the City are assessed, levied and collected, a tax upon all property within the City, over and above all other taxes, authorized or limited by law and without limitation as to rate or amount, sufficient to pay the principal of and premium, if any, and interest on this Bond to the extent other funds of the City are not lawfully available and appropriated for such purpose.

It is certified, recited and declared that all acts, conditions and things required to exist, happen or be performed precedent to and in the issuance of this Bond do exist, have happened and have been performed in due time, form and manner as required by law, and that the amount of this Bond, together with all other indebtedness of the City does not exceed any limitation of indebtedness prescribed by the Constitution or statutes of the Commonwealth of Virginia or the Charter of the City.

IN WITNESS WHEREOF, the City has caused this Bond to be executed by the manual or facsimile signatures of its Mayor and its City Treasurer; a facsimile of the corporate seal of the City to be imprinted hereon attested by the manual or facsimile signature of the City Clerk of the City; and this Bond to be dated as of the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

CITY OF ROANOKE, VIRGINIA

[SEAL]

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Treasurer

Attest:

\_\_\_\_\_  
City Clerk

#### **CERTIFICATE OF AUTHENTICATION**

This Bond is one of the Bonds delivered pursuant to the within-mentioned proceedings.

[\_\_\_\_\_] , as Registrar

By: \_\_\_\_\_  
Authorized Signatory

Date of Authentication: \_\_\_\_\_

## ASSIGNMENT

FOR VALUED RECEIVED the undersigned hereby sell(s), assign(s) and transfer(s) unto \_\_\_\_\_

\_\_\_\_\_  
(Please print or type name and address, including postal zip code, of Transferee)

PLEASE INSERT SOCIAL SECURITY OR  
OTHER IDENTIFYING NUMBER OF TRANSFeree

the within Bond and all rights thereunder, hereby irrevocably constituting and appointing \_\_\_\_\_, Attorney, to transfer such Bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed:

\_\_\_\_\_  
NOTICE: Signature(s) must be guaranteed by a member firm of The New York Stock Exchange, Inc. or a commercial bank or trust company.

\_\_\_\_\_  
(Signature of Registered Owner)  
NOTICE: The signature above must correspond with the name of the Registered Owner as it appears on the front of this Bond in every particular, without alteration, enlargement or any change whatsoever.



**CITY OF ROANOKE  
OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591  
Telephone: (540) 853-2333  
Fax: (540) 853-1138  
CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

March 15, 2004

Honorable Ralph K. Smith, Mayor, and Members of City Council  
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: Amendment to south  
Jefferson Cooperation  
Agreement 2 with City of  
Roanoke Redevelopment and  
Housing Authority and Project  
Budget CM04-00051

This is to request space on Council's regular agenda for a report on the above  
referenced subject.

Respectfully submitted,

A handwritten signature in black ink, reading "Darlene L. Burcham".

Darlene L. Burcham  
City Manager

DLB:sm

c: City Attorney  
City Clerk  
Director of Finance



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to establish additional funding to South Jefferson Cooperation Agreement 2, amending and reordaining certain sections of the 2003-2004 Capital Projects Fund Appropriations and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2003-2004 Capital Projects Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations

Appropriated from 2005 Bond Funds	008-052-9633-9169	\$	5,495,750
South Jefferson	008-530-9820-9820		(5,495,750)

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

*J.T.*

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the proper City officials to execute an Amended South Jefferson Cooperation Agreement 2 between the City of Roanoke (City) and the City of Roanoke Redevelopment and Housing Authority (RRHA); approving an amended budget for such Amended Agreement; authorizing the City Manager to take such actions and execute further documents as may be needed to implement and administer such Amended Agreement; and dispensing with the second reading by title of this Ordinance.

WHEREAS, by Resolution No. 35248-031901, City Council approved a Redevelopment Plan for the South Jefferson Redevelopment Area (Redevelopment Plan);

WHEREAS, the City and RRHA entered into a South Jefferson Cooperation Agreement 2 dated March 19, 2001, authorized by Ordinance No. 35250-031901 (SJC Agreement 2) to provide for RRHA to implement the Redevelopment Plan, and RRHA has proceeded with such implementation, and such Agreement expires on March 19, 2004, but may be extended as agreed to by the parties;

WHEREAS, the SJC Agreement 2 needs to be extended to allow RRHA to continue to implement the Redevelopment Plan;

WHEREAS, the SJC Agreement 2 also needs to be amended to allow RRHA to try to acquire the Roanoke City Mills, Incorporated (RCM) property in both Project Areas 1 and 3 of the Redevelopment Area, and the budget for such Agreement needs to be amended to allow for such purchase, as further set forth in the City Manager's March 15, 2004, letter to Council; and

WHEREAS, RRHA has agreed to an Amended SJC Agreement 2 that will provide for a 5-year extension of such Agreement, for RRHA to acquire the RCM property in Areas 1 and 3, and to an amended budget for the acquisition of such property.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. The City Manager and the City Clerk are hereby authorized on behalf of the City to execute and attest, respectively, an Amended SJC Agreement 2 that will provide for a 5-year extension of such Agreement, with subsequent extensions upon agreement of the parties, together with such other terms and conditions as set forth in the above mentioned City Manager's letter and as may be deemed appropriate by the City Manager. Such Amended Agreement is to be in a form approved by the City Attorney.

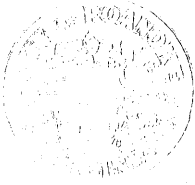
2. City Council hereby approves the amended budget for the Amended SJC Agreement 2 as such budget is set forth and attached to the above mentioned City Manager's letter.

3. The City Manager is further authorized to take further actions and execute further documents as may be needed to implement and administer such Amended SJC Agreement 2 and the amended budget.

4. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this Ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



**CITY OF ROANOKE  
OFFICE OF THE CITY MANAGER**

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**March 15, 2004**

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Beverly T. Fitzpatrick, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

**Subject: Encroachment into Public Right-of-  
Way Proposed Sign and Awning at 22  
Campbell Avenue, SE, Tax No.  
4010316**

Dr. Jill Barksdale of Barksdale Vision Center has requested permission to install an overhead sign and awning on the building at 22 Campbell Avenue, SE, which would encroach into the public right-of-way.

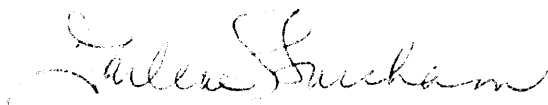
The proposed sign would encroach approximately forty-eight (48) inches into the right-of-way of Campbell Avenue, and have ten (10) feet of clearance above the sidewalk. See Attachment #1 for sketch of sign. The proposed awning would encroach approximately thirty-six (36) inches into the right-of-way of Campbell Avenue, and have ten (10) feet of clearance above the sidewalk. See Attachment #2. The right-of-way of Campbell Avenue at this location is approximately sixty (60) feet in width. Liability insurance and indemnification of City and the property owner by the applicant shall be provided as specified in the attached exhibit. See Attachment #3.

**Recommended Action(s):**

Council adopt an ordinance, to be executed by the owner of the property, and binding on the owner and his heirs and assigns and recorded in the Clerk's office of the Circuit Court

for the City of Roanoke, granting a revocable license to the applicant, to allow the installation of a sign and awning at 22 Campbell Avenue, SE, encroaching into the right-of-way of Campbell Avenue.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Darlene L. Burcham".

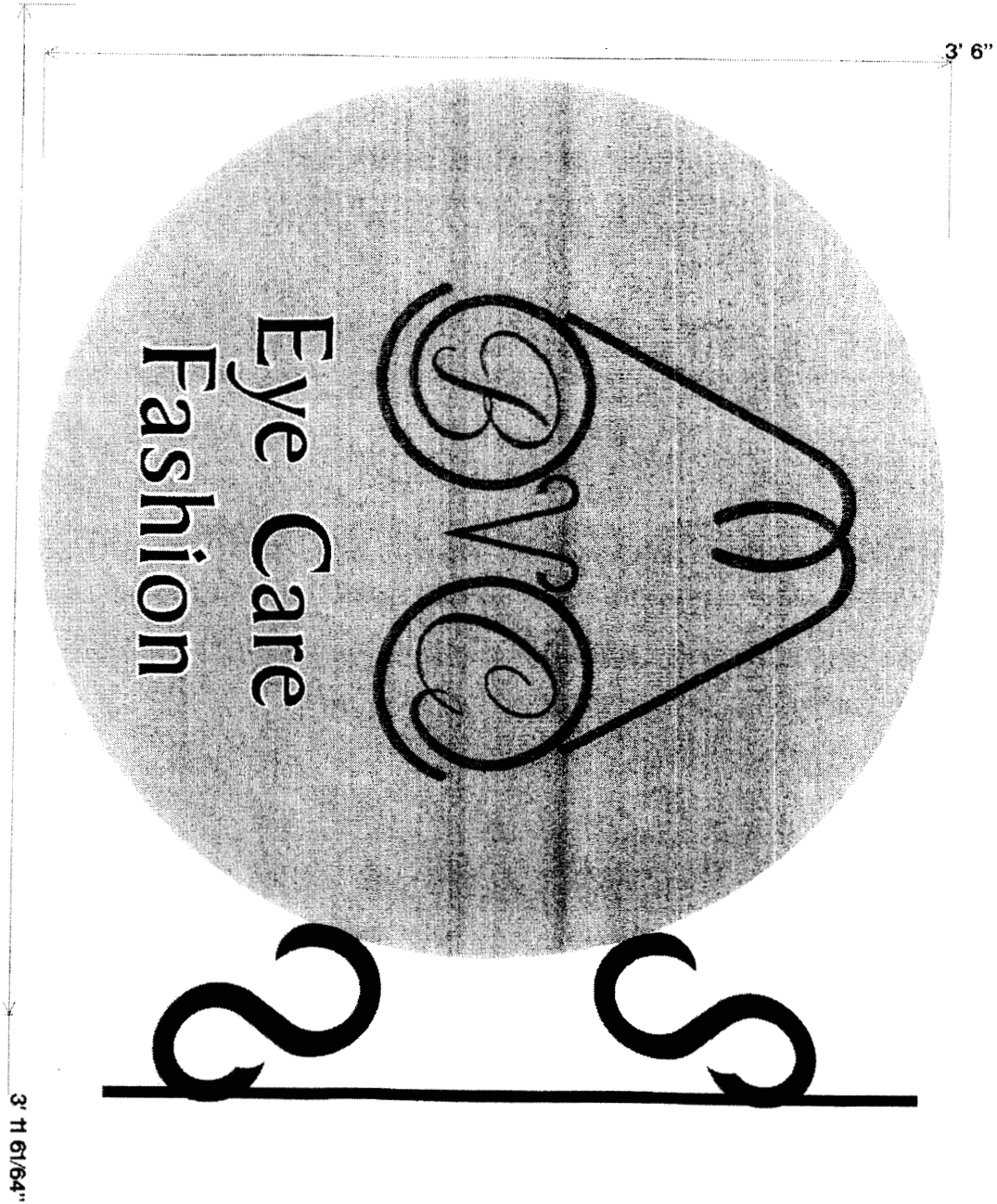
Darlene L. Burcham  
City Manager

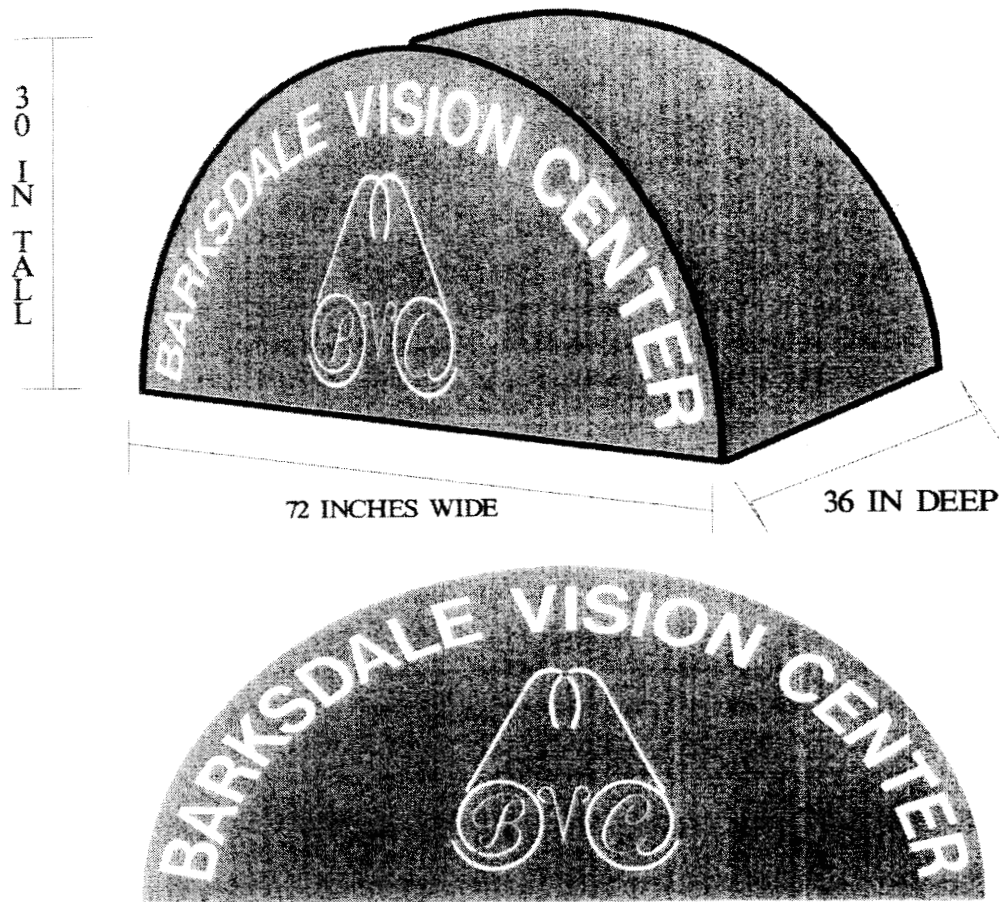
DLB/sef

Attachment

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Sarah E. Fitton, Engineering Coordinator

#CM04-00044





Design notes: *AWNING*

This is not to scale. This is just to illustrate a general idea of what the finished product will look like. The colors are just swatches to give a visual reference.

Derek

**INSURANCE REQUIREMENTS  
FOR ENCROACHMENTS IN RIGHT-OF-WAY  
COMMERCIAL**

Owner shall obtain liability insurance coverage with respect to claims arising out of the subject matter of this agreement. The amount of such insurance shall not be less than:

- A. General Aggregate \$1,000,000
- B. Products - Completed/Operations Aggregate \$1,000,000
- C. Personal and Advertising Injury \$1,000,000
- D. Each Occurrence \$1,000,000
- E. Above amounts may be met by umbrella form coverage in a minimum amount of \$1,000,000 aggregate; \$1,000,000 each occurrence.

Owner shall name the City, its officers, agents, employees, and volunteers as additional insured as its interests may appear on the above policy. Such coverage shall not be canceled or materially altered except after thirty (30) days prior written notice of such cancellation or material alteration to City Engineer of the City of Roanoke.

Owner shall indemnify and save harmless the City of Roanoke, its officials, officers and employees, from all claims for injuries or damages to persons or property that may arise by reason of the encroachment over public right-of-way.



WMS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE granting a revocable license to permit the encroachment of an overhead sign and awning at a height above the sidewalk of ten (10) feet, with the overhead sign extending forty-eight (48) inches, in the public right of way of 22 Campbell Avenue, S.E., and the awning extending thirty-six (36) inches with a length of seventy-two (72) inches, in the public right-of-way of 22 Campbell Avenue, S.E., from property bearing Official Tax No. 4010316, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

WHEREAS, a public hearing was held on March 15, 2004, pursuant to §§15.2-1800(B), 15.2-1813 and 15.2-2010, Code of Virginia (1950), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on such permit.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Permission is hereby granted the property owner, Edward C. Moomaw, Jr., ("Licensee") of the property bearing Official Tax No. 4010316, otherwise known as 22 Campbell Avenue, S.E., within the City of Roanoke, to permit the encroachment of an overhead sign and awning at a height above the sidewalk of ten (10) feet, with the overhead sign extending forty-eight (48) inches, in the public right of way of 22 Campbell Avenue, S.E., and the awning extending thirty-six (36) inches with a length of seventy-two (72) inches, in the public right-of-way of 22 Campbell Avenue, S.E., as more fully described in a letter of the City Manager to City Council dated March 15, 2004.

2. Such license, granted pursuant to §15.2-2010, Code of Virginia (1950), as amended, shall be revocable at the pleasure of the Council of the City of Roanoke and subject to all the

limitations contained in §15.2-2010.

3. It shall be agreed by the Licensee that, in maintaining such encroachment, the Licensee and its grantees, assignees, or successors in interest shall agree to indemnify and save harmless the City of Roanoke, its officials, officers and employees from all claims for injuries or damages to persons or property that may arise by reason of the above-described encroachment in the public right-of-way.

4. Licensee, its grantors, assigns or successor in interest shall for the duration of this license maintain on file with the City Clerk's Office evidence of insurance coverage in an amount not less than \$1,000,000.00. This insurance requirement may be met by either homeowner's insurance or commercial general liability insurance. The certificate of insurance must list the City of Roanoke, its officers, agents and employees as additional insureds, and an endorsement by the insurance company naming these parties as additional insureds must be received within thirty (30) days of passage of this ordinance. The certificate shall state that such insurance may not be canceled or materially altered without thirty (30) days written advance notice of such cancellation or alteration being provided to the Risk Management Officer for the City of Roanoke.

5. The City Clerk shall transmit an attested copy of this ordinance to Edward C. Moomaw, Jr., 3426 W. Ridge Circle, S.W., Roanoke, Virginia 24014.

6. This ordinance shall be in full force and effect at such time as a copy, duly signed, sealed, and acknowledged by the Licensee, has been admitted to record, at the cost of the Licensee, in the Clerk's Office of the Circuit Court for the City of Roanoke and shall remain in effect only so long as a valid, current certificate evidencing the insurance required in Paragraph 4 above is on file in the Office of the City Clerk.

7. Pursuant to the provisions of §12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

**ACCEPTED and EXECUTED** by the undersigned this \_\_\_\_\_ day of \_\_\_\_\_,  
2004.

**EDWARD C. MOOMAW, JR.**

\_\_\_\_\_

COMMONWEALTH OF VIRGINIA

§

§ To-Wit:

§

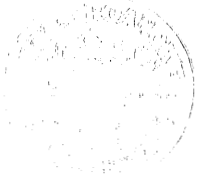
\_\_\_\_\_

The foregoing instrument was acknowledged before me in my jurisdiction aforesaid this  
\_\_\_\_\_ day of \_\_\_\_\_, 2004, by Edward C. Moomaw, Jr.

My Commission expires:\_\_\_\_\_.

\_\_\_\_\_

Notary Public



**CITY OF ROANOKE  
OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
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March 15, 2004

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Beverly T. Fitzpatrick, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Encroachment into Public Right-  
of-Way Proposed Sign at 22  
Church Avenue, SW, Tax No.  
1012317

Kamran Karbassiyoon, owner of property located at 22 Church Avenue, SW, has requested permission to install an overhead sign on the building at 22 Church Avenue, SW, which would encroach into the public right-of-way.

The proposed sign would encroach approximately forty-eight (48) inches into the right-of-way of Church Avenue, and have approximately ten feet, two inches (10' 2") of clearance above the sidewalk. See Attachment #1 for sketch of sign location. Attachment #2 shows sign at current location and Attachment #3 illustrates how the sign will appear at the new location. The right-of-way of Church Avenue at this location is approximately fifty (50) feet in width. Liability insurance and indemnification of the City by the property owner shall be provided as specified in the attached exhibit. See Attachment #4.

Recommended Action(s):

Council adopt an ordinance, to be executed by the owner and recorded in the Clerk's office of the Circuit Court for the City of Roanoke, granting a revocable license to the owner, to allow the installation of a sign at 22 Church Avenue, SW, encroaching approximately forty-eight inches into the right-of-way of Church Avenue, SW.

Respectfully submitted,

A handwritten signature in cursive script, reading "Darlene L. Burcham", is written over a horizontal line.

Darlene L. Burcham  
City Manager

DLB/SEF

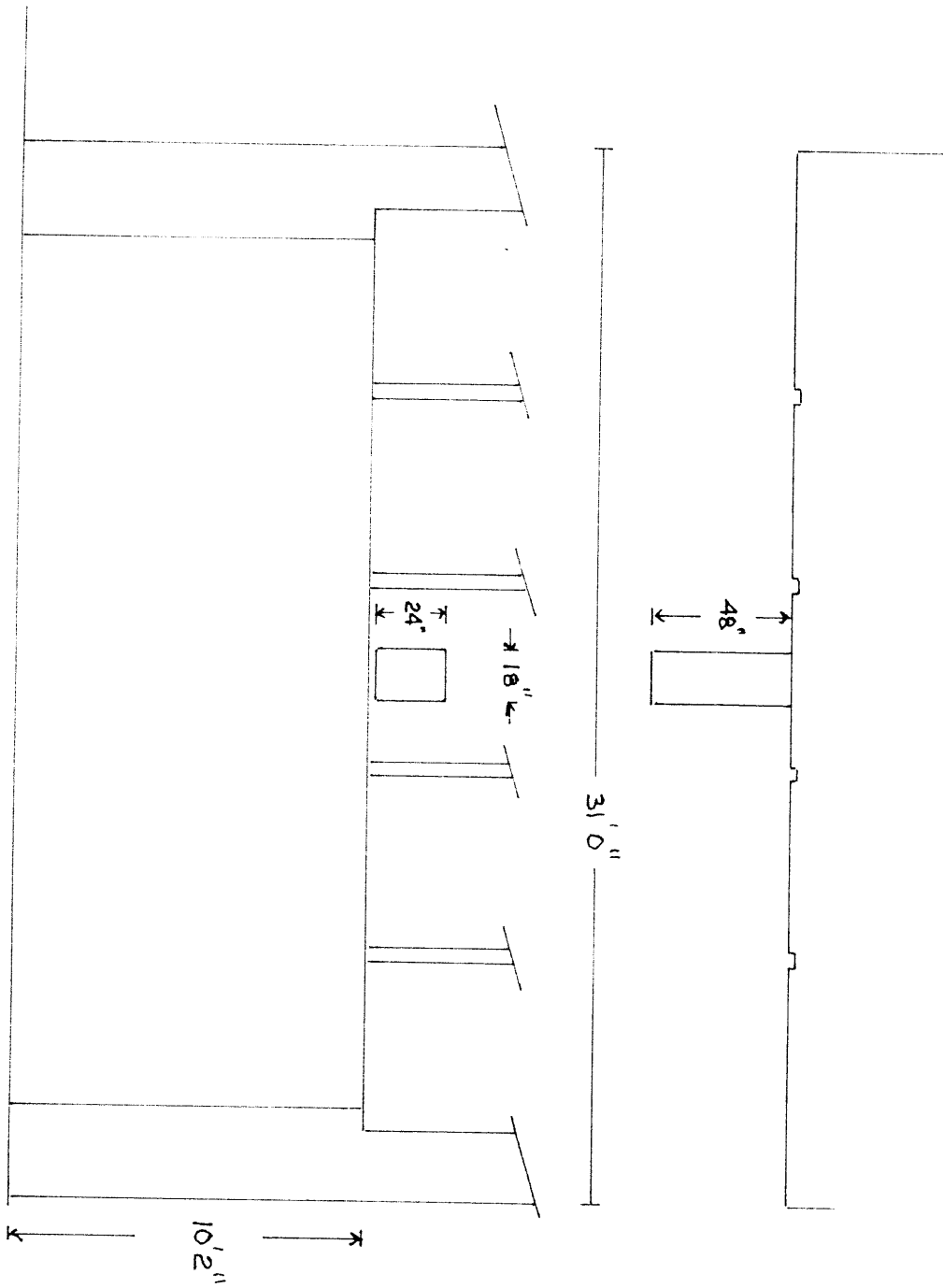
Attachment

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Sarah E. Fitton, Engineering Coordinator

#CM04-00047

Attachment #1

SCALE:  $\frac{1}{4}" = 1'0"$   
DATE: 2/16/04  
SIR SPEEDY





30 Church Ave. (existing)



Moving to → 22 Church Ave (showing sign)



**INSURANCE REQUIREMENTS  
FOR ENCROACHMENTS IN RIGHT-OF-WAY  
COMMERCIAL**

**Owner shall obtain liability insurance coverage with respect to claims arising out of the subject matter of this agreement. The amount of such insurance shall not be less than:**

- A. General Aggregate \$1,000,000**
- B. Products - Completed/Operations Aggregate \$1,000,000**
- C. Personal and Advertising Injury \$1,000,000**
- D. Each Occurrence \$1,000,000**
- E. Above amounts may be met by umbrella form coverage in a minimum amount of \$1,000,000 aggregate; \$1,000,000 each occurrence.**

**Owner shall name the City, its officers, agents, employees, and volunteers as additional insured as its interests may appear on the above policy. Such coverage shall not be canceled or materially altered except after thirty (30) days prior written notice of such cancellation or material alteration to City Engineer of the City of Roanoke.**

**Owner shall indemnify and save harmless the City of Roanoke, its officials, officers and employees, from all claims for injuries or damages to persons or property that may arise by reason of the encroachment over public right-of-way.**

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE granting a revocable license to permit the encroachment of an overhead sign at a height above the sidewalk of ten (10) feet, two (2) inches, extending approximately forty-eight (48) inches in the public right-of-way of 22 Church Avenue, S.W., from property bearing Official Tax No. 1012317, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

WHEREAS, a public hearing was held on March 15, 2004, pursuant to §§15.2-1800(B), 15.2-1813 and 15.2-2010, Code of Virginia (1950), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on such permit.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Permission is hereby granted the property owner, Kamran Karbassiyoon, ("Licensee") of the property bearing Official Tax No. 1012317, otherwise known as 22 Church Avenue, S.W., within the City of Roanoke, to permit the encroachment of an overhead sign at a height above the sidewalk of ten (10) feet, two (2) inches, extending approximately forty-eight (48) inches in the public right-of-way of 22 Church Avenue, S.W., as more fully described in a letter of the City Manager to City Council dated March 15, 2004.

2. Such license, granted pursuant to §15.2-2010, Code of Virginia (1950), as amended, shall be revocable at the pleasure of the Council of the City of Roanoke and subject to all the limitations contained in §15.2-2010.

3. It shall be agreed by the Licensee that, in maintaining such encroachment, the Licensee and its grantees, assignees, or successors in interest shall agree to indemnify and save

harmless the City of Roanoke, its officials, officers and employees from all claims for injuries or damages to persons or property that may arise by reason of the above-described encroachment in the public right-of-way.

4. Licensee, its grantors, assigns or successor in interest shall for the duration of this license maintain on file with the City Clerk's Office evidence of insurance coverage in an amount not less than \$1,000,000.00. This insurance requirement may be met by either homeowner's insurance or commercial general liability insurance. The certificate of insurance must list the City of Roanoke, its officers, agents and employees as additional insureds, and an endorsement by the insurance company naming these parties as additional insureds must be received within thirty (30) days of passage of this ordinance. The certificate shall state that such insurance may not be canceled or materially altered without thirty (30) days written advance notice of such cancellation or alteration being provided to the Risk Management Officer for the City of Roanoke.

5. The City Clerk shall transmit an attested copy of this ordinance to Kamran Karbassiyon, 22 Church Avenue, S.W., Roanoke, Virginia 24011.

6. This ordinance shall be in full force and effect at such time as a copy, duly signed, sealed, and acknowledged by the Licensee, has been admitted to record, at the cost of the Licensee, in the Clerk's Office of the Circuit Court for the City of Roanoke and shall remain in effect only so long as a valid, current certificate evidencing the insurance required in Paragraph 4 above is on file in the Office of the City Clerk.

7. Pursuant to the provisions of §12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

**ACCEPTED and EXECUTED** by the undersigned this \_\_\_\_\_ day of \_\_\_\_\_,  
2004.

**KAMRAN KARBASSIYOON**

\_\_\_\_\_

COMMONWEALTH OF VIRGINIA      §  
   § To-Wit:  
\_\_\_\_\_     §

The foregoing instrument was acknowledged before me in my jurisdiction aforesaid this \_\_\_\_\_ day  
of \_\_\_\_\_, 2004, by Kamran Karbassiyoon.

My Commission expires: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public



**RALPH K. SMITH**  
Mayor

# CITY OF ROANOKE

## CITY COUNCIL

215 Church Avenue, S.W.  
Noel C. Taylor Municipal Building, Room 456  
Roanoke, Virginia 24011-1536  
Telephone: (540) 853-2541  
Fax: (540) 853-1145

**Council Members:**  
William D. Bestpitch  
M. Rupert Cutler  
Alfred T. Dowe, Jr.  
Beverly T. Fitzpatrick, Jr.  
C. Nelson Harris  
Linda F. Wyatt

March 15, 2004

The Honorable Mayor and Members  
of the Roanoke City Council  
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

We jointly sponsor a request of Cristy M. Lovelace to address Council with regard to the Roanoke Express Hockey Team at the regular meeting of City Council on Monday, March 15, 2004, at 7:00 p.m.

Sincerely,

A handwritten signature in black ink, reading "C. Nelson Harris".

C. Nelson Harris  
Vice Mayor

A handwritten signature in black ink, reading "Linda F. Wyatt".

Linda F. Wyatt  
Council Member

CNH:LFW:sm

pc: Darlene L. Burcham, City Manager

Honorable Mayor and Members of the Roanoke City Council

Roanoke, Virginia

Dear Mayor and Members of the Council,

I would like to address the council with regards to the finalized petition of keeping the Roanoke Express Hockey team in the Roanoke Valley. The players of the express team will be present to lead the Pledge of Allegiance.

Sincerely,

*Cristy M. Lovelace*  
Cristy M. Lovelace